Bombay Gazette.

VOL. 37. WEDNESDAY, 16TH AUGUST, 1826. No. 1889.

Higgs and Briggs

HAVE FOR SALE

On Commission,

AT REDUCED PRICES

TO CLOSE AN ACCOUNT

AN ELEGANT Amethyst Necklace, Bracelets, Cross, and Ear-rings. . . . . Rs. 500
Gold Seals, ... each 14
Ditto Watch Keys, ... 12
Ditto Brooches, ... 16

Meadows Street, 16th August 1826.

Higgs and Briggs

HAVE JUST RECEIVED FOR SALE,

On Commission,

MALMSEY,

OF THE BEST QUALITY

IN PINTS RS. 10 PER DOZ.

DO. IN QUARTS RS. 18;

SALLAD OIL,

RS. 12 PER DOZ;

BRANDY FRUIT

RS. 15 PER DOZ.

Meadows Street, 16th August 1826.

Higgs and Briggs

HAVE JUST RECEIVED FOR SALE

On Commission,

PYRE'S HISTORY OF THE ROYAL RESIDENCE, ... Rs. 200

PENNANT'S LONDON, Illustrated with Portraits, views &c. printed for the Illustrator 4 Vols. 4to, ... Rs. 200

LIBER VERITATIS, Or a Collection of Prints after the Designs of Claude le Lorrain 3 Vols. folio, ... Rs. 150

National Sport, of Great Britain by Alken, 50 Colored Engravings, 40

ALSO

A handsome Double Barrelled Gun by Gill with flint Locks, . . Rs. 300

Meadows Street, 16th August 1826.

WANTED,

A MESSMAN for the CADET ESTABLISHMENT. Particulars to be learnt on application at the Town Barracks.

Bombay, 16th August 1826.

Advertisement.

MESSRS. RANKEN AND SAUNDERS have received by the Columbine & Darius some farther Consignments of WINE from Messrs. *Butler and Son, Harper and Bell* and *John Ella and Co.* Among them Sparkling Pink and White Champaigne in 3 Dozen Cases at 70 Rs. per Dozen.

Pale and Brown Sherry in wood and bottle.

Harper and Bell's CLARET first and second growth.

Bombay, 16th August 1826.

Messrs. J. Sprague & Co.

CHEMISTS AND DRUGGISTS,

BEG to intimate that they have for sale,

A long scale Mountain Barometer, in leather strap case.

A solid Mahogany frame ditto, with rack.

A best Pyramid ditto.

A best Marine ditto.

ALSO,

An Accum's Portable Universal Furnace.

Which will be disposed of at moderate prices, for CASH.

Messrs. Sprague and Co. have also received a further supply of SODA and MAGNESIA WATERS, in capital order.

Rampart Row, August 16th 1826.

Advertisement.

MESSRS. RANKEN AND SAUNDERS as Agents for Messrs. PALMER AND CO. of Calcutta will draw on Messrs. COCKERELL TRAILL AND CO. of London for Sums not less than £500 Str. at 1*s.* | 10*d.* at 6 months Sight.

Bombay, 16th August 1826,

Passage to London,

TO TOUCH AT THE CAPE OF GOOD HOPE,

THE NEW BRIG

COLUMBINE,

300 TONS,

JAMES TUIT,

COMMANDER.

WILL be dispatched about the end of the month.

Apply at the Office of Messrs. RANKEN and SAUNDERS.

Bombay, 16th Aug. 1826.

For Passage to London,

TO TOUCH AT THE *CAPE OF GOOD HOPE,*

THE NEW SHIP

DIADEM,

OF 400 TONS

R. B. Cotgrave Esq. R. N.

COMMANDER,

WILL Sail on or before the 1st September.—Has good accommodation for Passengers and carries an experienced Surgeon.

For particulars apply at the Office of Messrs. PATRICK STEWART AND CO.

Bombay, 16th August 1826.

Advertisement.

APPLICATION having been made to the Supreme Court of Judicature at Bombay, that Letters a[redacted] nistration of all and Singular the [redacted] Chattels, Rights and Credits of [redacted] ROJEE PESTONJEE late of [redacted] Parsee Merchant deceased may be granted to DADABHOY NOWROJEE and NASSERWANJEE NOWROJEE two of the Sons and heirs of the said deceased. All persons interested therein are hereby apprized thereof.—Dated this 15th day of August 1826.

J. B. GRAHAM,

(2.) PROCTOR.

જાહેરખબર *

મરનાર•પારશી• નવરોજજી• પેશતંન•શ્રી•મુમબ્બઇનો• વેપારી• ઇતો• ઇનાં•માલ• મીલકતનુ• અખતીઆર•નાંમુ• દેવાશારૂં•ફિ•મરનારનાં• ૨ છોકરા•તથા•વારેશો• નાંમે• દાદાજાજ• નવરોજજી તથા•નશરવાંનજી• નવરોજજી•ફંકુ• યાણીઓઈ•શ્રી•મુમબ્બઇની શ્રપરીમ• કોરટ• આવ• જુડીકેટર માં•અરજ•કીધી છેજે•ઇમુને•મલે*

FOR SALE,

THE Property of the late Mr. Thomas Hall, consisting of Household Furniture, Wearing Apparel, Plate, Linen, Glass, China, Books, Prints, Pictures, Horses, Carriages, Harness, Saddles, Bridles, Whips, Cattle, Poultry, Pigeons, Rabbits, Guinea Pigs, Dogs, Cats, Parrots, Cockatoos, Monkeys, Bird Cages, Fishing Tackle, Shooting Apparatus, Gardening Tools, Garden Seeds, Flower Pots, Hot House Plants, Fruit Trees, Shrubs, Flowers, Vegetables, Fruits, Grain, Hay, Straw, Bricks, Tiles, Timber, Boards, Planks, Scantlings, Rafters, Doors, Windows, Frames, Sashes, Shutters, Locks, Keys, Hinges, Nails, Screws, Bolts, Iron Work, Tools, Implements, Utensils, Lumber, Rubbish, and Sundries.

Which will be sold by Public Auction, on the Premises, on Thursday the 17th instant, at 10 o'clock A. M. precisely.

Bombay, 15th August 1826.

ફિ•વારશને•શરવે•લોકો•ઇનાં•વારશના•ફોર્ફિ•તેનાંવોને•જાહેર•થાર્ફ *

જે•બી•ગરેઇમ• કોરટનો•વકીલ*

તા•૧૫ મી•આગશટ ૧૮૨૬

Register of the Pluviometer at Malabar Hill in the year 1826.

		RAIN				RAIN.	
		In.	*De.*			*In.*	*De.*
May	29....	0	80	July	1....	0	05
	31....	0	31		2....	0	50
					3....	0	47
Total in May		0	93		4....	0	23
					5....	10	08
June	1....	0	08		6....	0	55
	3....	1	44		7....	0	15
	4....	1	92		8....	0	19
	5....	0	82		9....	0	30
	6....	0	43		10....	0	33
	7....	1	27		11....	0	46
	8....	1	46		12....	1	87
	9....	1	64		13....	0	13
	10....	2	03		14....	0	00
	11....	0	41		15....	0	15
	12....	1	39		16....	0	18
	13....	0	05		17....	1	40
	14....	0	01		18....	3	25
	15....	0	02		19....	1	63
	16....	0	06		20....	0	79
	17....	0	07		21....	0	35
	18....	0	46		22....	0	79
	19....	0	09		23....	0	62
	20....	0	42		24....	1	39
	21....	0	86		25....	0	43
	23....	0	02		27....	0	10
	24....	0	72		28....	0	00
	25....	0	70		29....	0	15
	26....	0	03		30....	0	10
	29....	0	28		31....	0	09
Total in June		17	06	Total in July		28	05

Total in May.....	0	93
" " June.....	17	06
" " July.....	28	05
Present Total.....	46	04

GENERAL ORDERS.

BOMBAY CASTLE, 3D AUGUST 1826.

By the Hon'ble the Governor in Council.

No. 226 of 1826.---The following promotion [redacted]

24th Regiment N. I.

[redacted]. N. Ramsay to be Lieutenant vice [redacted] sed,---Date of rank 2d April, 1826.

Bombay Castle, 7th August 1826.

No. 227 of 1826.—Lieutenant William Sterling, of the 17th Regiment N. I. a Cadet of the season 1810, is promoted to the Brevet rank of Captain from the 24th ultimo.

No. 228 of 1826.---Lieutenant Neil Campbell, of the 11th Regiment N. I. and Assistant in the Decan Survey Department, is appointed Deputy Assistant Quarter Master General, vice Pringle;---Date of appointment 12th July 1826.

Bombay Castle, 8th August 1826.

No. 229 of 1826.---Lieutenant W. N. T. Smee, of the 6th Regiment N. I. and Assistant of the 2d class of the Decan Survey Department, is appointed an Assistant of the 1st class in that Department, from the 19th of February last.

Bombay Castle, 8th August 1826.

No. 230 of 1826---Captain W. Shaw, of the 18th Regiment Madras N. I. is allowed a furlough to the Cape of Good Hope, on sick certificate for twelve months from the date of his embarkation.

No. 231 of 1826.---The Hon'ble the Governor in Council is pleased to direct that the Bazars at Kaira, Surat, and the Southern Cocan, Deesa and Rajcote, be respectively placed under the Majors of Brigade and Line Adjutants at those stations.

No. 232 of 1826.---The following promotions are sanctioned.

14th Regiment N. I.

Lieutenant G. P. LeMessurier to be Captain, and Ensign J. Burrowes to be Lieutenant, in succession to Innerarity deceased,—Date of rank 22d July 1826.

By Order of the Hon'ble the Governor in Council,

D. GREENHILL,

Act. Sec. to Govt.

To the Editor of the Bombay Gazette.

BOMBAY MILITARY FUND.

" In vain our plans of happiness we raise,
" Pain is our lot, and patience is our praise."

" The dread of nothing more
" Than to be thought necessitous and poor."

MR. EDITOR,

I hasten to rectify an error, into which, I have fallen. The sum total of a Subscriber in the 5th year of his majority amounts to 4449 Rupees instead of 4040. An increase having taken place in the amount of donations. Ay Mr. Editor, it is 4449, but, if he has been to England, which is most generally the case, this small contribution is still farther reduced to 1849! Rupees, mind one thousand eight hundred and forty nine. By the payment of this insignificant sum, if he has five Children he secures to his family a sum, which to all practical Financiers and Calculators, will appear incredible, it being no less than 61,000 Rupees, should, however, the claimant attain higher rank, the drain on the Funds resources is still greater and still more disproportionate. I have already shewn, that the Widows and Orphans have increased six fold and that they will still farther annually augment no one will have the confidence to deny.

In 1819 there were 4 Widows and 16 Children, in 1826, 30 Widows and 76 Children, with this fact before our eyes we have positively no alternative but a reduction in our expenditure and that too at an early period, unless we propose the unacceptable measure of augmenting our Income by an increase in the monthly payments and donations, this to be efficacious and to have a salutary effect upon our ultimate disbursements must be to an extent, that most probably will meet with much opposition. I have only one observation to offer on this head, and it is incontrovertible. The liberal spirit which ever has & still does actuate the executive cannot be too much lauded, it proceeded from motives of kindness and compassion, and has been continued for a series of years in the same [illegible] spirit, but it is only for the benefit of the present generation, the succeeding one will bitterly lament it, and term our generosity, extravagance, our benevolence, mistaken philanthropy.

In the Circular N°. 36, from which I corrected the mistake alluded to, there are no less than 16 propositions, or, to speake more clearly Preambles to new Acts and amending or rescinding old ones, this spirit of Law making, shews something very defective in our original institutes, it besides displays a disposition for legislating, and when once, that takes place, there is no termination, while it bewilders the general mass of Subscribers & hampers the board of management in their duties. A *Penchant* for Legislative enactments defeats itself, for instead of the attention of the Subscribers at large being directed to one important object, requiring their serious and undivided consideration, nearly a score of fresh Laws are submitted at one time, sufficient to appal even a Brougham, much less the youthful judgments of the junior branches of the service, and even ascending a little higher; such a list of judicial proceedings. Queries, revisals, and amendments may confound the understandings of old and experienced Soldiers, excellent and worthy Men, but who may never have deeply considered the constitution of the Fund, the *future* effect of the new proposition, and how far their votes, will influence the junior in their decisions. Legislating is often but little short, in character and effect to innovation, and without it proceeds from matured judgments, great experince, and sound heads, it must be received with doubt, did it originate with the board, the case would be widely different for their opinions cannot be Apocryphal indeed, this spirit is some what analogous to the pernicious course of speechifying pursued by certain leaden headed Orators at the Great House at home, with this essential difference however, our Law givers mean well, while the others mean, precisely the contrary, and with the ridicule of mankind, they have a full portion of contempt and reproach. I most sincerely deplore to observe that proposition N°. 5, has been carried in the affirmative. The restrictions on property limiting the Pension ought not have been abrogated. It appears to me, as if one of the main props of the institution had been pulled away; it fell on those who could best bear it, was a certain source of Income, and one whose effects extended to one and all. It is fallacious to assert, that it produced but little; The Seniors of the Army, Heads of Departments, Members of the Medical Board, Senior Clergyman, must, and do, realize private property of considerable amount to say nothing of inherited Property, Bequests &c. As it is I am a material gainer, but I will gladly vote for the re-enactment of the old Law.

I have now reached the end of my paper, and having a very heavy Literary Work n progress will close my Letter written in ain

hour of relaxation only observing I may probably revert to the last paragraph of my note at a future day.

Yours Obediently,

Y.

Calcutta, August 12th 1826.

P. S.—I had intended some time ago to have fairly discussed the subject of Evangelical Missions and Missionaries, it is a fruitful but laborious topic to investigate, and, were I not pledged to more than one eminent person, on that specific head, it is a task I would fain decline having nothing consoling to offer, in point of novelty or fact but I am apprehensive rather the very reverse. At present I must see and think a little more particularly, as my communications will have some weight with public Men, friendly to the cause, and of high reputation.

EXCHANGE.

On London 6 mon's. at 1 | 9 to 1 | 10
Calcutta 30 Days 105 B'y Rs. per 100 Sicca.
Madras..31 ... Days, par.
A five per cent loan open.

THE GAZETTE.

BOMBAY.

WEDNESDAY, 16TH AUGUST 1826.

We have not had any arrivals during the past week, and the only departure is the H. C. Cruizer Antilop, which sailed on Wednesday last for Ceylon and Penang.

Passengers.—Sir Hudson Lowe, Capt. De Lancy, and Capt. Stannus for Ceylon.

Our Commercial readers will no doubt peruse with interest the following extract from a private letter received from Calcutta on the authenticity of which we place the highest confidence "one of the natural effects of the wildly speculative prices of foreign produce in the London markets in the early part of last year, is the extension of cultivation in those countries, where facilities existed for that extension and their proximity rendered it probable they might partake of the advantage. Thus the Cotton culture in the United States seems to have received an impetus for by letters from New York, dated in the end of March this year we learn that the American Cotton crop will exceed that of the former year, by fully 80,000 Bales—It is true the crop of 1825 was rather a short one in some districts, still this is an enormous increase and must come into a depressed market.

In Bengal the crop this season is very large—it is estimated at 400,000 maunds and extensive shipments are making to China.

We have given in this days Gazette according to our conditional promise the remainder of the case of the Reverend Henry Davies *vs.* Capt. Miller of the Artillery and tho' we are satisfied that we have not done sufficient justice to the speeches of the Learned Judges who presided on the occasion, from our inability to attend in Court during the whole of the proceedings, we trust that the substance so far as we have ventured to go will be found correct, and that in our humble endeavours to please we have given offence to no one by any expression that might have inadvertently escaped us--since nothing could be further from our intention.

(Continued from our last.)

SUPREME COURT AUGUST 1ST—The Grand Jury entered the Court and after waiting at the desire of the Puisne Judges who alone were on the Bench for the arrival of the Chief Justice who took his seat at half past 12 o'Clock they made the following Presentment.

To

THE HON'BLE SIR EDWARD WEST, *Knight Chief Justices.*

THE HON'BLE SIR RALPH RICE, *Knight* } *Puisne Judges*
THE HON'BLE SIR CHARLES HARCOURT CHAMBERS, }

Of the Supreme Court of Judicature Bombay

MY LORDS

The Grand Jury feel it to be an imperative duty on them to present to the Court that on Friday last the 28th Inst. on their bringing into Court an Indictment which had already in a somewhat different form been laid before them charging William Miller Esq. with uttering a certain Libel and which had been returned by them a second time "No Bill." Mr. J. B. Graham the Attorney of the Prosecutor addressed the Court to the effect that it was an improper return in as much as the whole of the witnesses had not been examined which he knew from the circumstance that some of them were not in attendance---that such proceeding was caused by ignorance of their duty on the part of the Grand Jury and he therefore moved the Court that the Bill should be returned to them with Instructions to examine the whole of the Evidences which conduct on the part of Mr. Graham the Grand Jury present as a manifest endeavour to bring the Grand Jury into contempt as tending to obstruct the freedom of their deliberations and as an outrage on the public justice of the country.

(Signed) J. WEDDERBURN, *Foreman.*

The Chief Justice said that the language was most improper but did not think that any intentional insult was meant to be thrown out against the Grand Jury, allowances ought to be made for a professional man advocating the cause of his client. Mr. Graham he conceived only meant to say that the Grand Jury were not so competent to Judge of their duty as professional men naturally must be, he had already been censured and perhaps the Grand Jury would be satisfied with an apology—he ought to make an apology certainly.

Sir Ralph Rice stated that as the motion was made before him he considered it his duty to make a few remarks tho' he should not otherwise have done so while the Grand Jury were in the hands of the Chief Justice If he had thought for a-moment that the Grand Jury would have put such an interpretation upon what Mr. Graham had said he would have censured him at the time to a greater extent than he had done, no doubt the language was reprehensible tho' it might not be intended as an insult to the Grand Jury, but perhaps under all the circumstances of the case they would be satisfied with an apology.

Sir Charles Chambers observed that he was not in Court either on Friday or Monday—that he had not read the Depositions or Indictments and could not therefore have any bias either way; but as the point of law that had arisen out of the proceedings was rather a peculiar one he had looked into it with some attention and certainly thought that the Grand Jury ought to have examined all the witnesses and that it would have been better for them to find the Bill if the publication had occurred to the Grand Jury if he had charged them and recommended them to leave the justification to the Petit Jury He agreed with the Chief Justice that Mr. Grahams language was improper, but thought that great allowances should be made to professional men who were often betrayed into a high dgree of warmth in advocating the cause of their clients.

Mr. Graham now rose and said that he was acting under the same solemn sanction of an oath as the Grand Jury and that he would as long as he had breath pursue every legal means to obtain Justice for his client (here he was interrupted by the Chief Justice who said that the Court had pronounced its opinion upon the subject and that an apology only was required) Mr. Graham then said that with respect to the expression "ignorance" used by him in addressing the Bench on a former day it was not his intention to apply that word to the Grand Jury in the sense they had put upon it, but simply that they had acted under a misconception and want of knowledge in the particular matter which (here the Chief Justice again interposed and reminded Mr. Graham of the determination which the Court had come to Mr. Graham was again proceeding when a third admonition was given him) Mr. Graham then said that if that was the determination of the Court he could explain nothing further but only state that the word "ignorance" was not intended to be applied by him in a disrespectful way and that if the Jury were not satisfied he felt of Course disposed to make every concession and apology for what had taken place. The Grand Jury then left the Box without further observation and the Court proceeded in the business of the day.

After the Grand Jury had retired from their Box, Mr. Irwin rose to say that he was instructed to proceed before their Lordships in the motion which he had submitted to their notice on a preceding day, viz. "that a new grand inquest should be summoned to inquire into the concealments of the present Grand Jury in the case of the King or the prosecution of Davies vs. Miller, Mr. Irwin then adverted briefly to the grounds which he had been furnished with and which were before the Court in the two affidavits filed upon the former day, and begged leave to offer to the Court those reasons which appeared to him most likely to support his motion."

THE AFFIDAVITS ARE AS FOLLOWS.

IN THE SUPREME COURT OF JUDICATURE AT BOMBAY.

CROWN-SIDE.

THE KING *on the Prosecution of the Reverend* HENRY DAVIES.
against,
WILLIAM MILLER ESQUIRE.

The Reverend Henry Davies, Senior Chaplain on the Bombay Establishment, and the Prosecutor of the above Indictment maketh Oath and saith that he preferred a Bill of Indictment on Tuesday last the twenty fifth day of this Instant July, and that amongst other names on the back of the Indictment as witnesses for the said Prosecution are the following that is to say this Deponents Name Mrs. Leightons name, Miss Williams name, Mrs. Sparrows name; and this Deponent saith that he this Deponent was not called or examined nor as this Deponent believes were any of the said witnesses abovenamed called before the Grand Jury to be examined nor were they examined as this Deponent believes and that without such, examination the said Grand Jury found the said Bill of Indictment not to be a true Bill of Indictment.

(Signed) HENRY DAVIES.

Sworn &c.

IN THE SUPREME COURT OF JUDICATURE AT BOMBAY.

CROWN-SIDE

THE KING *on the Prosecution of the Reverend* HENRY DAVIES.
against,
WILLIAM MILLER ESQ.

The Reverend Henry Davies, Senior Chaplain on the Bombay Establishment and the Prosecutor of the above Indictment maketh Oath and saith that he preferred before the Grand Jury a Bill of Indictment against the abovenamed Defendant on Friday last the twenty eight day of this Instant July and that amongst other names on the back of the Indictment as witnesses for the said Prosecution, are the following that is to say this Deponents name Mrs. Leightons name Miss Williams name The Reverend Mr. Carrs name, and Mrs. Necholls's name. And this Deponent saith that he this Deponent was not called or examined by or before the said Grand Jury either of the said witnesses abovenamed called before the Grand Jury to be examined nor were they examined as this Deponent believes and this Deponent saith that without such examination the said Grand Jury found the said Bill of Indictment not to be a true Bill.

(Signed) HENRY DAVIES.

Sworn &c.

The above with the depositions having been read Mr. Irwin proceeded to state that. In an application of this kind which was directed with rather a criminatory aspect towards the conduct of a Grand Jury, the attention would be naturally drawn to the nature of their functions which a great authority had classed generally under two heads, viz. ministerial and judicial 3d Haw: P. C. 279. With regard to the latter, he was well aware what a sacred and inviolable privilege the law had thrown around Juries of all sorts both Grand and Petty so that whatever might be their Verdict or finding they should not to use the words of the authority referred to "be liable "to any prosecution in respect thereof, for "since the safety of the innocent and the pu- "nishment of the guilty so much depend upon "the upright proceeding of Jurors it was of "the utmost consequence that their minds "should be freed from the influence of any "passion whatever and therefore lest they "should be biassed with the fear of being "harrassed by a vexations suit for acting "according to their consciences the law will "not leave any possibility for a prosecution "of this sort" 2 Haw P. C. 123. With this privilege of the Grand Jury it was the farthest from his intention or wish to interfere: he was disposed rather to view it with reverence and regard as one of the great constitutional bulwarks of our liberty, but he submitted to the Court that he did not at all trench upon this prerogative of a Grand Jury when he came to comment of their conduct in their ministerial capacity, this was quite distinct from their judicial one, tho' it was ancillary to it. To enable them to come to a right judgment of the question before them there were many things to be done, they were to answer to their summons, and give diligent attendance, to take the grand Juror's oath and to observe the injunctions of that oath, they were bound to examine the witnesses that were produced to them upon any Bill or presentment and also to find and deliver their verdict upon the same. For default or neglect in any of these particulars it could not be questioned that they were answerable to the Court and liable to some proceeding whatever it might be for such default. The Statute which pointed out the remedy he was instructed to apply for, was the 3d H. 7th C. 1. which enabled Justices of the Peace (and by construction Justices of Oyer and Terminer) to summon a new grand inquest to enquire &c. And he was free to admit that the statute was an old one and the practice of rare and unfrequent occurrence but it had become so as well as attaints for false Verdicts because the law now will not permit a Jury to be questioned for their Verdict by suit of any kind. And he submitted so far only should the practice be discouraged as it went to enquire into the grounds of the Verdict but with regard to the instances of default recited above as ministerial and in a proceeding against the grand Jury as a Body it appeared to him to be the best and most constitutional mode of enquiry where it could be adopted and the law still remained upon our Statute book unrepealed. It remained for the Court to say whether they would apply it in the present instance which was a case where the Grand Jury had failed to perform their duty in the examination of certain of the witnesses marked on the backs of 2 Bills of Indictment sent before them at the present Sessions. (Here one of the learned Judges put it to Mr. Irwin whether the examination of a Witness was not rather a judicial function, as in the examination with which his Lordship had been going on) no doubt as to how many or what questions were to be asked it was a judicial act but when the Grand Jury refused to examine a Witness at all before they could know what he had to say, that could scarcely be deemed an exercise of their judgments it was rather a refusal to hear that from which their judgments should be informed, viz. the evidence for the prosecution after Examining in one of the cases 2 Witness and in another 3 out of 9 or 10, marked on the backs they had ignored the Bills— It was clear that the Grand Jury might find a Bill where there were 20 Witnesses on the Evidence of one or two only, but when they do not find enough to support the Bill in the Evidence of those they have Examined, surely it must be there duty to see whether the Witnesses behind are able to give more sufficient testimony to substantiate the charge laid before them such he submitted to the Court was the case now brought to their notice and he presumed that he had laid enough of grounds to induce the Court to interfere in the mode pointed out in the statute. The Hon'ble the Chief Justice said he would decide the point not on the statute but upon the merits of the case. The Court had no judicial knowledge that the Grand Jury had acted improperly. The libellous matter complained of was contained in an affidavit for aught he knew it might have been established to the satisfaction of the Grand Jury that this affida- [illegible] certainly completely justified in acting as they had done. From what had appeared before the Court it was impossible to say that the Grand Jury had acted improperly. The other learned Judges concurred in opinion with the Chief Justice.

August 2nd on this day Wednesday the Grand Jury made their final presentment and again adverted to Mr. Graham in the following terms.

The Grand Jury at the conclusion of their labours the Heaviest probably that ever devolved on the Grand Inquest since the first institution of a Kings Court at this Presidency, cannot refrain from again adverting to the obstructions they have experienced in the discharge of their duty, in the matter of the Indictments for a Libel laid before them against Captain Miller.

Having already presented the conduct of one individual in this matter, the Grand Jury felt disposed, under the recommendation of the Court, to have accepted his apology, however reluctantly and ungraciously offered especially as they were entirely free from any personal feeling on the occasion; but the pertenacity shewn apparently in the same quarter, in pressing an obnoxious, and as may be inferred from the result an unfounded frivolous and litigious motion in Court, connected with the same proceeding, immediately after the Grand Jury had made their presentment yesterday, evinced such a determination to attack their independence in another shape, that they are compelled again to present the circumstances to the notice of the Court, as in their opinion, a most serious offence against the Laws and Constitution of their Country.

(Signed) J. WEDDERBURN, *Foreman.*

Bombay, Grand Jury
Room, 2d Aug. 1826.

The Chief Justice was at a loss how to do more than what had already been done, Mr. Graham had already been censured by Mr. Justice Rice who alone could judge of the tone and manner in which the thing was done. They could take two steps against Mr. Graham in the absence of Mr. Justice Rice nor did he see that any blame attached to Mr. Graham whatever on the score of the subsequent motion made by Counsel. The prosecutor had a right to move the Court. The motion was a regular one and made in terms of the statute and nothing passed the lips of Counsel that

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cot[illegible] in the most remote degree be termed offensive to the Grand Jury. They must remember they were not above the law but must be guided by it. There was nothing irregular in the prosecutor adopting proceedings against them if he thought there was misconduct on their part. In illustration His Lordship referred them to the case of the attack made on the Lord Lieut. of Ireland the particulars of which we have been unable to collect. Sir Charles Chambers said a few words in concurrence of what had fallen from the Chief Justice and the Grand Jury were then discharged.

The varied business of the Sessions finally closed about the end of the week and we may venture to say that a more busy and attractive scene connected with the administration of Justice has seldom been witnessed at Bombay. The heavy Calendar which contained forty Cases of Crime of various denominations necessarily brought together clouds, of prosecutors injured parties and witnesses, on all sides and for ourselves we venture to state that the rolling of carriages, the impenetrable mass of conveyances of all kinds, the sound of the Sheriffs Trumpet.—The Sheriffs whitewand the unfurling of his Blue Banners, the parade of his Javolin men, the posse of Constables and Patrols the solemnity of the countenances of the Grand Jury, the Military of all ranks blended with the Civil Costume, the bustle of professional Gentlemen, the anxious looks of the crouds of byestanders, the nodding of the plumes of beauty & the rustling of their Silks & Satins constituted so beautiful and novel a spectacle that it might vie with the most fashionable assizes upon any circuit.

We are credibly informed that the above proceedings will shortly be submitted by Mr. Graham to His Majesty in Council, and also become the subject of Parliamentary consideration on constitutional grounds.

BOMBAY COURIER, August 12.

We have been favoured with the sight of Malta Gazettes of the end of March and beginning of April, from which we have made the subjoined extracts.

Corfu, 14th January.

On Monday the 9th instant His Excellency the Lord High Commissioner, with a view to exhibit the manœuvres of the Steam vessel, invited the Principal Authorities of the State to accompany him on board to make an excursion round the Island of Vido. Although the sea was rough and the wind was violent and stormy, the machine, as soon as it was put in [illegible] ment of those on board, as well as those who were assembled on the shore to witness this new sight. Every body of His Excellency's party expressed himself highly satisfied: and all were struck with admiration at the surprising mechanism of this vessel, and also with her convenience, the beauty of her cabins, and the general effect of her appearance.

On Wednesday the 11th, His Excellency embarked on board the said vessel, with his suite, for the Southern Islands of these States. On the 23d January the steam packet commenced her regular passages to Paxo. Santa Maura, Cefalonia and Zante, which she will repeat weekly. The *Corfu Gazette* contains the regulations and rates established for these passages.

Malta, 1st March, 1826.

It appears that the Capitan Pacha summoned Missolongi on the 27th of January, professing his desire to avoid the effusion of blood, and requiring to know, on what terms the Greek Chiefs were willing to capitulate. The Greeks replied immediately to the summons. They stated that the Capitan Pacha must be well acquainted with the misery and distress the Greeks had suffered; that they had witnessed the total devastation of their country, and that blood had flowed in torrents: nevertheless that they still looked forward to the establishment of their liberty and independence, as the reward of all their sacrifices.

In regard to the assult with which the Capitan Pacha menaced them they were ready to meet him, and hoped to be able to repel their enemies as they had already done in the month of July last. They concluded by observing that they had a Supreme Government, and with it the Capitan Pacha might treat for war or peace.

It is further stated that an action between the Turkish and Greek fleets, subsequent to the date of the above intelligence, took place off the Gulf of Lepanto; in which the Turks had a corvette burnt, and one of their brulôts fell into the hands of the Greeks.

Malta, 8th March, 1826.

Two French Frigates and a schooner arrived at Tripoli on the 15th ultimo charged with setting the dispute between that Basha and the Papal Government. After discussions which lasted some days, the French Commanding Officer succeeded in obtaining restitution of the Papal property captured by the Basha, and peace was restored between His Highness and the Government of His Holiness.

Married.—On the 1st inst. Lieut. Thomas Ackers Shone, of the Royal Artillery, to Margaret Ankerville Ross, eldest daughter of the late David Ross, Esq. of Calcutta eldest son of Lord Ankerville, one of the Lords of Session in Scotland.

Malta, 15th March, 1826.

By advices from Zante, it appears that about the latter end of February and in the beginning of the present month, Ibrahim Pacha made several strenuous attempts to take the fortress of Missolongi by assault; in all of which he was repulsed, and report states with great loss of men. But we have received no details that can be depended upon.

Considerable convoys of supplies have been dispatched from Coron, Modon, and Navarino for Tripolizza; but in consequence of the opposition they met with in some of the passes they have been obliged to return, and it is believed that the Turkish Garrision in Tripolizza is much straitened for provisions

Letters from Zante also mention that the plague has again broken out at Modon, and that it had extended itself to Coron and Navarino. Vessels going to the Archipelago should therefore avoid putting into those ports or even approaching the coast as it is impossible to say how far it may have propagated itself.

By way of Alexandria we have received some interesting intelligence of the state of the War in India. Lieut. General Sir Charles Colville, lately Commander in Chief at Bombay, who landed at Cosseir in the Red Sea, and proceeded by land to Alexandria, we have the satisfaction to state, arrived here on Monday, last in the *Stranger* in good health.

Malta, 29th March, 1826.

Lieutenant General Sir Charles Colville, having completed his quarantine, landed on Friday last from the Lazzeret, under the salute due to his rank attended by a guard of honor.

Considerable apprehension have been for some time entertained for the safety of H. M. Brig *Algerine*, Captain Wemyss; but as long as any hope remained we refrained from making mention of the accident which there is now too much reason to fear has happened to her.

She was with other ships of war in Company with the *Revenge*, when the Admiral was returning from conveying Mr. Stratford Canning to the Dardanelles on his way to Constantinople in the month of January last Captain Wemyss had dined with Sir Harry Neale on board the *Revenge*, and after returning to his own ship (the Admiral's ship having then her topsails lowered from the threatening appearance of the weather), a most violent squall came on sudenly; and the *Algerine* was never more seen.

By the *Express* Schooner which arrived here on Sunday last, we understand that the bodies of some English sailors have been picked up in the Archipelago; and some King's spars have also been found at sea, on one of [illegible] adrift.

Captain Wemyss will be deeply regretted: he was an amiable man and a most promising Officer.

By letters from Constantinople of the 28th February, we learn that Mr. Stratford Canning was not then arrived, having been detained no less than forty days in the *Medina* at the Dardanelles by northerly winds; we understand that His Excellency proceeded subsequently by land.

Letters from Odessa of the 18th ultimo state that in consequence of the severity of the winter that port was frozen up, in which however there were only about ten or twelve vessels.

Malta, 31st March, 1826.

This day the Inhabitants had the great satisfaction of seeing realized their anxious expectations for the arrival of His Excellency, the Governor.

The *Herald* Yacht Captain Leake, entered the Great Harbour of Valletta at 10 o'clock this morning with the Governor's signal flying at the main, and was saluted by the batteries. His Honor the Lieutenant Governor attended by the Chief Secretary to Government and the Military Staff, immediately repaired on board to offer respectful congratulations: and at the same time some of the principal Nobility waited on His Excellency for the same purpose.

As soon as arrangements could be made the Marquess with the Marchioness and the four Ladies Hastings left the yacht, under a salute with the yards manned, and landed at the Marina on a stage previously erected by the Maltese Nobility and Inhabitants, who were there to receive him. Here also His Excellency was met by the whole of the Civil Servants, anxious to express their heartfelt satisfaction on his return to his Government. The Foreign Consuls were likewise present.

His Excellency then proceeded on foot to the palace, with His Honor Major General Woodford at his side, through the gates of Valletta which were lined with troops, passing under several triumphal arches, on which were depicted allegorical emblems expressive of that most cordial welcome which awaited His Excellency's return from every individual.

Shortly after his arrival at the Palace His Excellency took post on the Piazza St. Giorgio, and the whole of the troops passed him in review order. His Excellency expressed to the Major General in the warmest terms the great satisfaction it afforded him to observe the perfect health of the troops and their high state of discipline.

We have the gratification of adding that His Excellency, the Marchioness of Hastings, and her daughters, are in perfect health.

Malta, 5th April, 1826.

Monday being the day appointed by His Excellency the Governor for holding his first *Levée* after his return to his Government, the High Authorities who usually pay their previous respects to His Excellency began to arrive at the Palace at half-past eleven o'clock. Besides the Right Reverend the Archbishop of Malta and His Honor Major General Woodford, His Excellency received in his private appartments Lieutenant General Sir Charles Colville, who lately arrived overland from India, as well as the Heads of the principal Civil and Judicial Departments.

The Maltese Nobility and Clergy, the Foreign Consuls, Public Functionaries, and the Principal Inhabitants of the Island, crowded in the mean time the Hall of St. Michael and St. George, where the Millitary Officers of the Garrison were also assembled.

His Excellency entered the Hall shortly after 12 o'clock, and afforded this numerous Company the opportunity they have so long desired of testifying their unfeigned respect and regard towards the high personage appointed to govern them. His Excellency in passing up the Hall conversed with several persons whom he immediately recognized; and taking afterwards his stand before the Throne, those individuals who had not before been noticed by His Excellency had an opportunity of presenting themselves. On this occasion the Officers of the Second Battalion of the Rifle Brigade were individually presented by Lieutenant Colonel Brown, as were also several other persons who arrived here during His Excellency's absence.

In the evening the Marchioness of Hastings had a select party of the principal families of the Island, to witness the display of fireworks already prepared in front of the Palace.

The demonstrations of joy at the return of the Marquess of Hastings and family, which we announced last Friday in an Extraordinary Gazette, were followed up by a general illumination in the evening. and this was partially repeated on the two succeeding evenings. Monday however having been appointed for His Excellency's Public *Levée*, many were induced to reserve their preparations.

At noon on that day numerous bodies of the poor were regaled with soup, saltfish, bread, cheese and wine, provided by voluntarily subscription—the contributors to which imagining that this mode of expressing their satisfaction would be congenial with the benevolent feelings of the Noble Family whose return they wished to celebrate. In the evening fireworks were exhibited on the Piazza St. Giorgio where the concourse of people was extremely great, and where two military bands of music were stationed, which played alternately. The night was closed by another brilliant and generally happily designed and well executed.

Last night was performed at the Theatre Royal a new production called "*Il Vote dè Maltesi*," which had been some time in preparation as a dramatic welcome to our Governor on his return from England. His Excellency and the Marchioness of Hastings with her four amiable daughters honored the performance with their presence. They were accompanied by Major General Woodford and his Lady, as well as by Lieutenant General Sir Chas. Coville, and the whole party was greeted with the usual marks of respect.

The piece is entirely allegorical, being filled up by the characters, *Iperia*, *Nettuno*, *Britannia* and a *Chorus of Maltese*, who all combine their powers and prayers for the safe arrival on the shores of Melita of its Governor; and the representation concludes with the consummation of this general wish.—The music and poetry are both the production of native talent: the former, which partakes much of the style of Rossini, is by the well known composer Sig Lorenzo Corrado Azzopardi, the latter we understand is from the pen of St. Gio. Ant. Michallef. The whole was very favorably received.

BOMBAY.

Arrivals.---Lieut. T. Graham, 2d Gr. Regt.

Departures.---Asst. Surg. Richd. Frith. Med. Establishment.

NAUTICAL CHRONICLE AND NAVAL REPORT.

BOMBAY.

Arrivals.---None.

Departures.---Augt. 9th, The H. C. Cruizer Antelope, Lieut. Thomas Elwon, Commander to Columbo and Penang.

Passengers by the H. C. Cruizer Antelope.---Sir Hudson Lowe, and Captains, De Lancey, and Stannus.

SHIP LOADING.

English.--- Diadem for London.
Columbine for Ditto.
Clairmont for Ditto.
Charles Forbes for China.
Anundpursad Malay Coast.

CALCUTTA.

Arrivals.—July 20. Ship Hammon Shaw, W. B. Davidson, from Madras 10th July.

July 22. French Ship Fils de France, J. Geoffray, from Nantz 9th April.

Passengers per French Ship Fils de France:—Madame Degage; Mademoiselle Degage; Mr. Fortune Hebbert.

The French Ship Fils de France spoke near the Cape of Good Hope the English Brig Oscar, from Mary Port, going to Port Jackson.

Vessels expected to sail immediately:—Ship Amid Bux, T. Streeter, for Madras—Ship Pascoa, H. Cathre, for Singapore and China—Ship Clyde, D. N. Munro, for London—Ship Abgarris, William Smith, for Singapore and China—Ship Golcanda, C. C. Clark, for China via Singapore—Ship Edward Brightman, J. W. Phillips, for ditto ditto.

The undermentioned vessels gone to sea; viz.

July 20. Brig William Young.

July 21. H. M. Ship Pandora, and the Arethusa.

Station of Vessels in the River, July 23, 1826.

Diamond Harbour :---Clydesdale--Hammon Shaw and Osmany on their way to Towu.

Kedgeree :---Brig Active, outward-bound, remains.

New Anchorage :--H. C. Ships Macqueen, George the Fourth, Earl of Balcarras, Sir David Scott, and Lady Melville.

Below Saugor : --H. C. Ship Berwickshire, outward-bound, remains.

Departure of Passengers.

Per Private Ship Princess Charlotte J. McKean. for England:--Mr. Peter Duncan; Mr. J. Baddley; Master Baddley.

Per H. C Ship Berwickshire. for England;---Mrs. Pearson; Mrs. W. Palmer; Mrs. S. Palmer; Miss Parry; Miss Law; William Popham Palmer, Esq.; Samuel Palmer, Esq.; Lieutenant P. J. Leith, H. M. 13th Light Infantry; Lieutenant V. B. Layard, H. M. 14th Regt.; Lieutenant H. T. Wheler. 45th B. N. I.

Per Brig William Young. for Liverpool.---Mr. Brookes; Mr. J. Scott; Ensign Webster.

Per Clyde for Madras :---Captain B. Tenisson, Royal Regt.; Captain William Norfar; Mrs. Tenisson and Child; Mrs. Butt; Mrs. Sanford; Captain Sotheby, Bengal Artillery. For England: ---Major Bunce, H. M. 67th Regt.; Lieutenants Hope, Robinson, and Scott, Bengal Infantry, Lieutenant Hayes, H M. 13th Regt.; Mr. Healy.

MADRAS.

Arrivals.--July 26, Schooner Fly, E. Edwards, from Calcutta 14th, and Pilot 21st June; 27, Ship Mermaid. Alex. Yates, from Rangoon 16th June, and Acheen 8th July; 30th, Ship Venus, H. Hogue, from London, Canary Island, Permambuco, Bahja, Rio de Janeiro, Cape, Isle of France, Padang, and last Masulipatam 14th July. Aug. 1, Brig Ann, James Kern, from Columbo 17th, and Jaffnapatam 29th July; do. Brig Le Bon Pere. Auger, from Poudicherry 31st July; August 4, Brig Lutchemy, Captain Colin, from Mauritius the 4th, Point de Galle the 26th July, and Pondicherry the 3d August.

Departures---July 26, Ship John Adam, C. D. Dew, for Calcutta; do. Ship La Belle Alliance, G. Honner, for do.; 27, H. M. Ship Boadicea, Sir James Brisbane, Commodore, for Trincomalee; do. Ship Juliana, R. Innes, for Calcutta; do. Ship Kusrovie, J. A. Edwin, for do.; 30, Ship General Palmer, G. Truscott, for London; Aug. 1, Ship Mermaid, Alex. Yates, for Calcutta; do. H. M. Ship Volage, Hon. R. S. Dundas, on a Cruize.; August 4, H. C. Ship Castle Huntly, Captain H. A. Drummond, for Penang and China.

[illegible], Births and Deaths.

BOMBAY.

Marriage.—On the 9th instant, at St. Thomas' Church, by Rev. Edward Mainwaring, George Adam Esq to Eliza, eldest Daughter of Alexander Read, Esq. late of the Madras Civil Service.

Births.—At Belgaum on the 23rd June, the Lady of Capt. C. Poulton, 5th Regt. M. N. I. of a Son.

On the 2d instant, the Lady of the Rev. R. Y. Keays, Chaplain at Surat, of a Son.

Deaths.---At Rutnagheree, on the 21st ult. Captain James Innerarity, 14th Regt. N. I.

On Tuesday last, the 8th instant, Mr. Antonio Joze de Balla, aged 86 years, one of the wardens of the Church of Nossa Senhora de Gloria, Mazagon, leaving his disconsolate relatives and friends to deplore his irreparable loss.

CALCUTTA.

Marriages.---At Calcutta, on the 18th July, at the Cathedral, by the Reverend Dr. Young, the Reverend John Carysfort Proby, H. C, Chaplain. Son of the Reverend Baptist John Proby, Rector of St. Mary's Lichfield, Staffordshire, to Lydia Martyn, fifth Daughter of the late Reverend D. Brown, Senior Chaplain of Calcutta.

At Calcutta, on the 29th June, at the Greek Church, by the Reverend Mr. Ambrose, and subsequently on the 21st July, at the Roman Catholic Church of Boitaconnah, by the Reverend Fre Simao, Mr. John Vurdony, of the Free School to Mary Frances Ferrao.

Births.--- At Calcutta, on the 21st July, the Lady of R. Fleming, Esq. of a Son.

At Calcutta, on the 22d July. Mrs. M. Siret, of a Son.

At Kidgherry Hills, on the 4th July, the Lady of J. C. Morris, Esq. of the Madras Civil Service, of a Son.

At Lucknow, on the 6th July, the Lady of Mordaunt Ricketts, Esq. of a Son.

At Mullye, in Tirhoot, on the 8th July, the Lady of William Hawes, Esq. of a Son.

Deaths.---At Calcutta, on Wednesday, the 19th July, Serjeant Florence Sullivan, of the Quarter Master General's Department, aged 25 years.

At Calcutta, on the 20th July, Thomas Asken, Esq. Merchant and Agent, aged 52 years.

At Calcutta, on the 3d July, Captain Robert Samuel Filder, of the Country Service, aged 34 years.

At Allipore, on the 18th July, Mrs. Ann Roberts, relict of the late Serjeant Major Roberts, of the Calcutta Native Militia.

MADRAS.

Marriage.---At St. George's Church, 20th July, Lieutenant Prendergast, H. M. 89th Regiment, and His H. R. N. Service, to Miss Maria Arata, daughter of the late Major Arata, H. M. Royal Rangers.

Birth.---At Black Town, on the morning of the 4th Aug. Miss Drezilla Rylands, wife of Serjant Rylands, of the Commissariat Department, of a Son.

Death.---On Thursday, the 20th July, of the Consumption, Mr. Lewis Moorhouse, aged 23 years; sincerely regretted by his relatives and friends.

Poetry.

THE WRECK.

BY MRS. HEMANS.

Her sails are draggled in the brine,
That gladdened late the skies;
And her pennon, that kissed the fair moonshine,
Down many a fathom lies.
Wilson.

I.

All night the booming minute-gun,
Had pealed along the deep,
And mournfully the rising sun
Looked o'er the tide-worn steep.
A bark, from India's coral strand,
Before the rushing blast,
Had vailed her topsails to the sand,
And bowed her noble mast.

II.

The queenly ship!—brave hearts had striven,
And true ones died with her!
We saw her mighty cable riven,
Like floating gossamer!
We saw her proud flag struck that morn,
A star once o'er the seas,
Her helm beat down, her deck uptorn,—
And sadder things than these!

III.

We saw her treasures cast away;
The rocks with pearl were sown;
And strangely sad, the ruby's ray,
Flashed out o'er fretted stone;
And gold was strewn the wet sands o'er,
Like ashes by a breeze,
And gorgeous robes,—but oh! that shore
Had sadder sights than these!

IV.

We saw the strong man, still and low,
Crushed reed thrown aside!
Yet, by that rigid lip and brow,
Not without strife he died!
And near him on the sea-weed lay,
Till then we had not wept,
But well our gushing hearts might say,
That *there* a *mother* slept;

V.

For her pale arms a babe had pressed *
With such a wreathing grasp,
Billows had dashed o'er that fond breast,
Yet not undone the clasp!
Her very tresses had been flung
To wrap the fair child's form,
Where still their wet, long streamers clung,
All tangled by the storm.

VI.

And beautiful, 'midst that wild scene,
Gleamed up the boy's dead face,
Like Slumber's, trustingly serene,
In melancholy grace.
Deep in her bosom lay his head,
With half-shut violet eye;—
He had known little of her dread,
Nought of her agony!

VII.

Oh, human love! whose yearning heart
Through all things vainly true,
So stamps upon thy mortal part,
Its passionate adieu!
Surely thou hast another lot,
There is some home for thee,
Where thou shalt rest, remembering not,
The moaning of the sea!

* This circumstance is related of Mrs. Cargill, an actress of some celebrity, who was shipwrecked on the rocks of Scilly, when returning from India.

CALCUTTA.

GOVERNMENT SECURITIES.

BUY. Calcutta, July 29, 1826. SELL

PREM. 28 0 *Remittable Loans 6 per Cent.* 27 0 PREM
DISCT. 0 12 5 *per Cent. Loan of* 1822-23. 1 4 DISCT.
PREM. 0 0 *New 5 per Cent. Loan*..... 0 4 DO.

BANK OF BENGAL RATES.

Discount on Government and Salary Bills..... 5
Ditto on Private Bills..... 7
Interest on Loans on Deposit..... 7
Per Ct.

BANK SHARES—Premium, 5,500 to 5,600.

RATES OF EXCHANGE.

BUY. SELL.
2 *a* 2½ *On London 6 Months sight per Sa. Rs.* 2 ½ *a* 2 ½
On Bombay 30 *Days Ditto*....*per* 100 *Bombay Rs.* 98
On Madras ditto do. 92 *a* 96 *Sa. Rs. per* 100 *Mad. Rs.*

PRICE OF BULLION.

Spanish Dollars.....	per 100	206	8 *a*	207	2
Silver 5 Francs Piece...	per 100	190	4 *a*	190	8
Dubloons.....	Each.	30	8 *a*	31	7
Joes, or Pezas,.....	Each.	17	8 *a*	18	8
Sovereigns.....	Each.	10	4 *a*	10	0
Bank of England Notes....	Each.	10	4 *a*	10	12
Louis D'Ors.....	Each.	0	4 *a*	8	0
Dutch Ducats.....	Each.	4	4 *a*	4	18
Star Pagodas.....	Each.	3	6 *a*	3	8

GENERAL ORDERS BY THE RIGHT HONORABLE THE COMMANDER IN CHIEF.

Head-Quarters, Calcutta, 8th July, 1826.

At an European General Court Martial, assembled at Barrackpore, on Friday the 2d of June 1826, of which Lieutenant-Colonel Wm. Nott, 43d Regiment Native Infantry, is President, Ensign John Dashwood King, of the 13th Regiment Native Infantry, was arraigned on the undermentioned Charges, viz.

"For conduct unbecoming the character of an officer and a gentleman, in the following instances:

1st.—"In having drawn a bill in the month of October 1825 upon Messrs. Mackintosh and Co. Agents, Calcutta, for Sicca Rupees, Thirteen Hundred and Fifty, or thereabouts, in favor of Lieutenant Craigie, of the 18th Regiment of Native Infantry, he (Ensign King) being aware at the time, that he had no funds in the hands of Messrs. Mackintosh and Co., and having been warned by them, with an intimation that if he did, they would not honor his drafts.

2d.—"In having, in or about the month of November 1825, taken possession of, and resided in a house at Barrackpore, under the charge of Messrs. Mackintosh and Co., without their permission, and in having kept possession thereof up to the present time, in violation of a written promise to quit it 'forthwith,' dated the 18th of November 1825.

"For insubordinate conduct, subversive of good order and military discipline, in the following instances:

3d.—Declining to attend a Court of Requests, as defendant, although duly warned to do so by Captain Read, officiating Major of Brigade, in a letter dated the 15th of December 1825.

4th.—"In having addressed to Captain Currie, Major of Brigade, on the 21st, 22d and 28th days of December 1825, three official letters, containing language highly disrespectful and insubordinate.

"*Barrackpore, 5th January* 1826."

ADDITIONAL CHARGE.—"Highly insubordinate conduct in refusing to give up his sword to Captain Currie, Major of Brigade, when that officer was sent to place him (Ensign King) in arrest, on the 4th day of January 1826; and for telling Captain Currie, that he would give up his sword to no man, unless taken from him by force, although the Major of Brigade explained to him the necessity and propriety of conforming to the custom practised on similar occasions.

"*Barrackpore, 4th January*, 1826."

SECOND ADDITIONAL CHARGE.—For highly contumacious conduct in addressing a letter to the Major of Brigade under date the 5th January, in reply to a communication from that officer, conveying to Ensign King, Brigadier O'Halloran's permission to leave his quarters for the purpose of taking exercise, in which letter he (Ensign King) declares, that he will, should he think fit, go to public parties (which in the Major of Brigade's communication he was expressly forbidden to do) and that he does not conceive himself under any sort of restraint."

"*Barrackpore, 9th January* 1826."

Upon which charges the Court came to the following decision:

FINDING AND SENTENCE.—"The Court, having maturely weighed the evidence before them, are of opinion, that Ensign John Dashwood King, of the 13th Regiment of Native Infantry, is not guilty of the first charge, and not guilty of the second charge—of both of which they do honorably acquit him.

Guilty of the third charge.

Guilty of the fourth charge, excepting the letter dated the 22d day of December 1825.

Guilty of the first additional charge.

Guilty of the second additional charge.

SENTENCE,—"The Court, having found Ensign John Dashwood King, of the 13th Regiment of Native Infantry, guilty to the degree specified, do sentence him to be suspended from rank, pay, and allowances for the space of (6) calendar months.

"The Court cannot refrain from expressing their regret, that a guard should have been placed at Ensign King's [illegible] and therefore, they cannot admit the expediency of adopting so severe a measure. They are also much concerned to remark the humiliating restrictions imposed upon Ensign King, by the guard, for several hours."

Confirmed,

(Signed) COMBERMERE, *General.*
Commander in Chief.

Remarks by the Right Honorable the Commander in Chief.

Had not the Commander in Chief determined to remit the punishment awarded against Ensign King, he would have considered it necessary to order a revision of this sentence, it being perfectly inconsistent with the situation of the prisoner, who, labouring under pecuniary difficulties, would by its being carried into effect have had his embarrassments increased, and consequently deprived of the possibility of that reformation, which by their verdict it ought to have been the object of the Court to stimulate.

The Commander in Chief fully concurs in the honorable acquittal of the prisoner on the 1st and 3d charges, as well as in the remarks of the Court respecting the guard placed on the prisoner's quarters. His Lordship considers the restraint imposed upon Ensign King, by placing a guard over his house without any communication with him as to the nature of its duties, was quite uncalled for and improper. To the irritating harshness of this measure, must be ascribed the highly unmilitary correspondence into which that young officer was drawn, and which might have been forgiven in consideration of his youth and ignorance of the customs of the service.

The Commander in Chief cannot but consider the 3d charge as totally irrelevant.—Ensign King had by his absence from the Civil Court to which he had been summoned, become liable to a penalty (the loss of his cause) which the Court had inflicted: he could not therefore be considered as subject to a second punishment for the military offence.

His Excellency further thinks it necessary to declare his decided disapprobation of a system which appears to have obtained in this case, of uniting a number of charges, each separately considered venial or trifling, to form grounds for bringing an officer to a court martial, which should only be resorted to in extreme cases.

The Commander in Chief now remits the punishment awarded Ensign King, trusting that his good sense will shew him the necessity of evincing by his future conduct, that the contrition he has expressed is sincere, and that the clemency shewn him has not been misplaced.

The prisoner to be released, and directed to join his Corps.

By order of His Excellency the Commander in Chief.

W. L. WATSON, *Adjt. General of the Army.*

THE FOLLOWING ARE GENERAL ORDERS, ISSUED TO HIS MAJESTY'S FORCES IN INDIA.

Head-Quarters, Calcutta, 11th July, 1826.

There being a chief medical officer of His Majesty's Service at each of the Presidencies in India, it is the Commander in Chief's desire that every officer of his Majesty's army applying for a certificate of ill health upon which leave of absence out of India may be required, is to appear before a Board of Medical Officers, of which the Inspector of Hospitals of the King's army in India may preside at this Presidency, and either of the Deputies at Madras, or Bombay; and that sick leave of absence to quit India may not be given excepting upon the certificate of one of these officers.

In the case of unavoidable absence of either of these medical gentlemen, the examination of, and certificate to, any of His Majesty's officers will be conducted and granted as heretofore.

The same rule is to apply to the invaliding of soldiers of His Majesty's Army: the Inspector of Hospitals at Head Quarters, and either of the Deputies at the other Presidencies, always presiding at Boards assembled for such duty, half the members for which being of His Majesty's Service.

The leave of absence granted to Lieutenant Layard, of the 14th Regiment, in General Order of the 24th February last, is extended from the 20th June to the date of that officer's embarkation for England.

Head-Quarters, Calcutta, 15th July, 1826.

It having been represented to the Commander in Chief, that the service has suffered from the too careless admission into corps remaining in this country of volunteers from the regiments ordered home; His Lordship accordingly directs, that no non-commissioned officer or soldier be allowed to transfer his services from one corps to another, whose constitution is not perfectly sound, or who may have suffered from visceral complaints, especially those of the liver, spleen, or chylopectic organs, during his residence in this country. The surgeon of the regiment from which a non-commissioned officer or private volunteers, must therefore give his certificate of the man's perfect soundness, to the entire satisfaction of the surgeon of the corps into which he is to enter, and the latter, as well as the medical officers who may be appointed for the examination of volunteers, must certify accordingly.

His Excellency the Commander in Chief in India is pleased to promote the undermentioned subaltern of 15 years standing and upwards, to the rank of Captain by Brevet, in the East Indies only, from the 2d June 1823.

31st Foot—Lieutenant George Baldwin.

The undermentioned officers have leave of absence for the period specified:

13th Dragoons—Captain Taylor, from 27th August 1826, to the 26th February 1827, to proceed to China or Penang, on medical certificate.

13th Light Infantry—Ensign Hayes, to England, for two years, from date of embarkation, on medical certificate.

38th Foot—Lieutenant Johnston, for one month from the 13th instant, to remain at the Presidency on medical certificate.

The leave of absence granted to Lieutenant the 30th ultimo, is to commence from the 20th August, instead of the 15th July, as therein stated.

The following transfers are sanctioned:

Private James Coulon, from the 11th to the 16th Dragoons, vice George Adams, from the latter to the former corps.

A. MACDONALD,
Adjt. Genl. of His Majesty's Forces in India.

By the arrival of the French Ship *Fils de france*, from Nantz 9th of April, late news has been received.

We publish for the information of our Subscribers, the following "Circular."

By the French Ship Fils de France: Extract from English London Papers to the 25th of March.

"The King of England has been seriously indisposed, but is recovered.

"The King of Portugal was visited on the 4th of March by an apoplectic attack and news was issued of His Majesty's dissolution on the 10th of March at 6 o'clock in the Evening. At the departure of the Courier with this information the Princess Isabella Maria the King's eldest Daughter exercised the Regency. Lisbon was tranquil. It has been announced to us on good authority that regard being had to the very delicate circumstances in which the Kingdom and Royal Family of Portugal are placed by the demise of the Crown and complex enteanglements of Don Pedro, the existing Regency is to be continued sometime, supported by the influence of the British and French Governments to overawe if requisite, the Queen's and the Monkish Faction, a strong Squadron of Englishmen of War has been gradually collecting in the Tagus, where it now remains and where it cannot fail to inspire the necessary confidence in the Regent and her Ministers against all opponents".—*Times.*

"The Bishop of Durham expired this Morning about 1 o'clock at his Residence in Cavendish Square, at the Age of 92. From his long enjoyment of the richest Bishopric in the Kingdom, he died possessed of an immense Fortune the bulk of which will it is expected descend to his Nephew Lord Barrington."—*Sun, March* 25.

Letters from Calcutta to the 5th of November were received in London the 18th of March, by the Madras, stating the term of the Truce with the Burmese is prolonged. Sir Edward Paget, landed yesterday from the Ship *Madras*, at Lyme Regis Dorsetshire, and is on his way to town.—*Star, March* 18.

The Ship *Duke of Bedford*, sailed from Portsmouth for Calcutta the 21st March.

MARCH 25th, 2 o'CLOCK.—There is no business doing this morning; the Funds keep steady, the price of consols being 78 occasionally buyers and sellers. The Foreign Market exhibits rather more activity than the English, the South American Securities are firmer, Columbian Bonds 50¼, Mexican 60¼, Brazilian Bonds 55, Chelian 6 per cent. 50½, Danish 5 per cent. 53½, French 5 per cent. 96,25 Peruvian Bonds 31, Portuguese Bonds 71, Spanish Nominally 10½, Greek 17¼ 18¼, Russian 78.—*Courier.*

[*Ben. Hur. Extra. July* 22, 1826.]

"Head Quarters, Prome, August 1825.

SIR,—In bringing to the public notice the oft-repeated theme of the deficiency of officers in our Indian army, I am almost tempted to despair of success, as the subject would appear to have been thoroughly canvassed, and finally decided upon, prior to the celebrated new arrangement of 1824. I think, however, that I can show good reasons for that distribution of officers being considered utterly inadequate to the exigencies of the service at present, more particularly when a war is raging hitherto unparalleled in our Indian history. Prior to the new arrangements, the strength of a battalion, in officers under the rank of Major, consisted of four Captains, eleven Lieutenants, and five Ensigns.

This, we should suppose (if no staff existed, and no officers were obliged to go to Europe for the recovery of their health,) as barely sufficient for the duties of a corps 1000 strong. But when we consider the very great proportion of staff officers necessarily taken from the line, and that at least two or three officers from every corps are generally absent in Europe, it becomes natural to suppose that the Court of Directors would have authorized some considerable augmentations, little short of doubling the number of regimental officers, and calculated to render our regiments as efficient at those of his Majesty. That such hopes existed is true, but it was most lamentably disappointed. Instead of an augmentation, the Court allowed the number of officers to be the same precisely as before, changing the two senior Lieutenants of the old regiments into Captains, and allowing the Subalterns to remain in *statugo*. The strength now of a regiment of one battalion is, one Colonel, one Lieutenant-Colonel, one Major, five Captains, ten Lieutenants, and five Ensigns, thus making no allowance for staff and absentees. The plan I propose for efficiently officering the Native army is as follows: With respect to Field Officers, I am of opinion there is a sufficiency, but certainly not of Captains and Subalterns. I say therefore, *with due regard to the Company's finances*, that the establishment should be as follows: eight Captains, sixteen Lieutenants, and six Ensigns,—the Adjutant and Quarter master included amongst the Subalterns; and most indubitably except when absolutely necessary.

I may here advert to the practice of the Court in not sending out a sufficient number of cadets every season to fill up vacancies occasioned by deaths in this country. They at last discover the want of young officers, and then send out a prodigious number all at once, wholly unfit for some time to make themselves useful in their profession; whereas, if the supply was equal and constant, every corps would be provided with a sufficient number of steady and experienced officers capable of performing all duties required of them. No officers can be considered *efficient* until he has been a year at least, or more properly eighteen months doing duty with his regiment. He cannot be expected to understand the language, and know the ideas and prejudices of the Natives he is called upon to command. I really think an augmentation of the nature I have just mentioned would be more beneficial than ten new regiments; & I cannot but express my earnest hope, that the Court of Directors will take the matter into their most serious consideration, as nothing short of a predominant European influence can make the natives of India the gallant, steady soldiers, they have proved themselves when well and numerously officered. I now, Mr. Editor, beg to subscribe myself your most obedient servant.

AN INDIAN OFFICER."

[*Beng. Hur, July* 25,

CEYLON.

We have great pleasure in announcing the arrival at Trincomale of His Majesty's Ship *Warspite* Captain CARROLL, C. B., bearing the Flag of Rear-Admiral GAGE, Commander in Chief, in company with His Majesty's Ship *Volage*.

These Ships sailed from England on the 3d March, from the Cape of Good Hope the 12th June. We have not as yet been able to ascertain whether they bring any addition to our Stock of European Intelligence.

Passengers on the Warspite.

Nicholas Brown, Captain 41st Regiment; Thos. P. Martin, writer; Chas. Llewellyn, Assistant Surgeon, Thos. Place, Thos. Gage Blake, Francis Hamilton, W. Cumberland, Wm. Hen. Briggs, Chas. Giffard, Cadets; and E. H. Bayley Nephew of Sir John Franks Chief Justice.

[*Ex. Sup, to the Ceylon Gaz. July 24th.*]

(☞ *See Supplement.*)

BOMBAY.—PRINTED FOR THE *PROPRIETORS*, BY J. F. DE JESUS, IN MILITARY SQUARE No. 3.
WHERE ADVERTISEMENTS, ESSAYS, POETICAL PIECES, ARTICLES OF INTELLIGENCE, &c. &c. WILL BE THANKFULLY RECEIVED.
Gentlemen about to change their stations are requested to give notice to the PRINTER who will pay due attention to their orders.

SUPPLEMENT TO THE BOMBAY GAZETTE.

WEDNESDAY, 16TH AUGUST 1826

EUROPE.

EAST INDIA COMPANY.

Mr. Wynn rose to move for leave to bring in a Bill relative to certain regulations of the service of the East India Company. His motion referred to two Acts of Parliament. The first, namely, the Act of 1813, contained a clause, providing that no person should be appointed a writer in the East India Company's Service, if he had not previously resided four terms in the East India College, Since that Act had passed, the great extension of the Company's territory in India required a considerable increase of the number of Courts of Justice. The object of the first part of his Bill was to relieve the people of Bengal from the inconvenience of travelling 100 or 150 miles for legal assistance. There was a demand for about seventy writers beyond that number which the College could supply. The calculation was, that fifty would not be more than sufficient to supply the annual deficiency; the proposition he meant to submit to the House was, to suspend for three years that clause of the Act which required a writer to spend four terms at the College, and to give the power of appointing persons who had not remained there so long, or who might be otherwise qualified. He had also another proposal to make with reference to the payment of allowances to officers who died when absent from India. By the 53d Geo. III. it was provided that no person holding office in the Civil or Military departments of the East India Company's service should receive their allowance for the period of their absence from India unless they returned. As a general principle this regulation was a good one; but there were many cases in which it proved prejudicial. Many lives were lost by the manner in which it operated. Individuals were often induced to delay their departure from an unhealthy climate, beyond the limits of prudence of safety, because during their absence they could not be in the receipt of their allowances. In the same manner when invalids had quitted India for a more healthy spot, they were often led to hasten their return before the restoration of health, from the same cause. To counteract this ill effect of the system he now proposed that it would be enacted that the representatives of any one dying while absent from India, the Cape of Good Hope, or Ceylon, should receive the allowances due to the deceased for the period of his absence.

Mr. Hume did not intend to oppose the motion. Lord Grenville foresaw the consequences of the establishment of the College, and the speech he made when it was agitated did him great honour. It was established, no doubt, with the best possible intentions, but he could not agree that it had answered the purposes for which it was established.

After a few words from Col. Bradshaw, Sir T. Baring, Mr. C. Grant, and some other Members, the Motion was assented to.

FRANCE.

Yesterday the King and Royal Family went in state to the cathedral of Nôtre Dame, to attend the first public procession upon the occasion of the Jubilee. The Royal party and their respective suites, in nine of the King's carriages, escorted by a detachment of the Body Guards and Cuirassiers arrived at the church about a quarter past one, where his Majesty was received by the Archbishop of Paris, at the head of his Clergy, and conducted to the choir. After the usual prayers, the procession moved forward to the Hotel Dieu, the Sorbonne, and the church of St. Geneviève. After prayers at the latter church, his Majesty and the Royal Family returned in state to the Tuileries where they arrived at five o'clock.---The procession was attended likewise by the Duke of Orleans, the Duke de Chartres, the Pope's Nuncio, the Prefect of the department, the Prefect of the Police, and great number of Peers, Deputies, and military officers. The concourse assembled to witness the ceremony was very great.

On Thursday the Chamber of Peers proceeded to the nomination of three condidates for the Presidency of the Sinking Fund *Surveillance* Commission, vacant by the resignation of Count Mollien. We are assured that a part of the Chamber, desirous of giving the Count a striking mark of their esteem and a kind of approbation to the causes which induced him to resign, eagerly proposed him as a candidate upon the new list. Messrs. Villemanzy, d'Orvilliers, and Portal were the candidates chosen.---*Constitutionnel.*

We hear that, according to the commercial treaty concluded between France and Brazil, the duties upon French merchandize will be reduced to 15 per cent.

The King has been graciously pleased to command that extraordinary representations shall be successively given at all the royal theatres, for the benefit of Messrs. Franconi. His Majesty also ordered the sum of [illegible]000fr. to be sent them out of the funds of the Department of the Fine Arts.

The Minister of the Interior having taken into consideration the *Misfortune by which Messrs. Franconi have been visited and being desirous of facilitating the means of enabling them to rebuild their theatre, has prolonged their privilege to 1840, with an authorisation to represent pieces of two acts.

A representation for the benefit of Messrs. Franconi will be given this evening at the Theatre de l' Ambigu Comique.---*Galignani's Messenger, March* 18.

* Their Theatre was burnt down.

ART IV. *Observations on the Silk Trade.* London, 1825.

FOREIGN silk goods are at present, and have been for more than a century, prohibited from being imported into Great Britain. But according to the provisions of an Act, passed during the Session of 1824, foreign silk goods are to be freely admitted after July next, on payment of an *ad valorem* duty of 30 per cent. It was natural, considering the present magnitude and importance of the silk manufacture, that so fundamental a change in the circumstances under which it has been long conducted, should excite the earnest attention, not only of the persons whose interests are more immediately involved, but in a considerable degree also of the public: And as very different opinions have been advanced, at the public meetings that have been held on the subject, with respect to the policy and probable operation of the new Act, we believe we shall not be doing an unacceptable service, if we avail ourselves of this opportunity to make a few observations on the subject. We shall begin by laying before our readers a short sketch of the rise, progress, and present extent of the British silk manufacture. When once we have ascertained the effect of the restrictions under which the trade has hitherto laboured, we shall be the better able to form a correct estimate of the consequences that may be expected to follow from their abolition, and the introduction of a system of free competition in their stead.

The silk manufacture was introduced into England in the fifteenth century. Its early progress was, however, far from being rapid; but it gradually increased according as the increasing wealth of the country occasioned a greater demand for silk goods. The silk throwsters of the metropolis were united in a Fellowship in 1562, and were incorporated in 1629; and so prosperous and flourishing had their business become, that it is stated, in the preamble to a statute passed in 1666 (13 and 14 Cha. II. cap. 15th), that they had, at that time, no fewer than *forty thousand* individuals in their employment! And it is of importance to observe, that though the importation of silk goods from foreign countries was occasionally prohibited during the reigns of James I., Charles I., the Protectorate, and the reign of Charles II., the prohibition was not strictly inforced; and, generally speaking, their importation was quite free.

A Considerable stimulus, though not nearly so great as has been commonly supposed, was given to the English silk manufacture by the revocation of the Edict of Nantes in 1685. Louis XIV. drove, by that intolerant and disgraceful measure, several hundred thousands of his most industrious subjects to seek an asylum in foreign countries; of whom, it is supposed, about 50,000 came to England. Such of these refugees as had been engaged in the silk manufacture, several branches of which were then in a comparatively advanced state in France, established themselves in Spitalfields, which has continued ever since the principal seat of the British silk manufacture. At the period of the influx of the refugees, foreign silks were freely admitted into England; and it is stated in the Customhouse returns, that from 600,000*l.* to 700,000*l.* worth were annually imported in the interval from 1685 to 1693. But the manufacture was not long permitted to continue on this footing. In 1692, the refugees, who seem to have been quite as conversant, with the arts of monopoly as with those either of spinning, or weaving, obtained a patent, giving them an exclusive right to manufacture lustrings and a-la-modes, the silks then in greatest demand. This, however, was not enough to satisfy them; for, in 1697, Parliament passed an Act, in compliance with their urgent solicitations, prohibiting the importation of all French and other European silk goods; and in 1701, the same prohibition was extended to silk goods imported from India and China.

We have been thus particular in stating these circumstances, because they serve to show the entire fallacy of the opinion so generally entertained, that we owe the introduction and progress of the silk manufacture to the prohibitive system. So far from this being the case, it is a fact that is proved by the statements in repeated Acts of Parliament, and by a variety of other equally conclusive evidence, that the silk manufacture had overcome all the difficulties incident to its first establishment, had been firmly rooted, and had become of very great value and importance, before it was subjected to the trammels of monopoly; and, consequently, before our manufacturers were taught to trust more to fiscal regulations, and the exertions of Customhouse officers, than to their skill and ingenuity for the sale of their goods.

The year 1719 is an important epoch in the history of the British silk manufacture, a patent being then granted, for fourteen years, to Sir Thomas Lombe and his brother, for the exclusive property of the famous silk-mill erected by them at Derby, from models they had clandestinely obtained in Italy, for preparing thrown, or as it is more commonly called, *organzine* silk. At the expiration of the patent, Parliament refused the prayer of a petition of Sir Thomas Lombe, for its renewal; but granted him a sum of 14,000*l.*, in consideration of the services he had rendered the country, in erecting a machine which, it was supposed, would very soon have the effect to enable us to dispense wholly with the supplies of thrown silk we had previously been in the habit of importing from Italy. But, instead of being of any real advantage, it is most certainly true, that the establishment of throwing mills in England has proved one of the most formidable obstacles to the extension of the English silk manufacture. These mills were originally constructed in consequence of the heavy duties laid on thrown or organzine silk: And the circumstance of their having been erected, and a large amount of capital invested in them, has been urged, and, hitherto, with success, as a reason for continuing these high duties.

From this period the manufacture advanced gradually, though slowly, until about 1785 or 1790, when the general substitution of cottons for silks, in articles of dress and furniture, gave it a check, from which it did not recover for some years. So rapid was the change of fashion, that in Spitalfields only, above 4,000 looms were shut up in 1793, which, when in full work, seven years before, had given employment to about 10,000 persons.

The trade began to rivive in 1798 or 1800, and has made an astonishing progress within the last ten or twelve years. This has been in no inconsiderable degree owing to the facility with which increased supplies of raw silk are now obtained from India. In 1770 the East India Company began to introduce the Italian mode of preparing and winding silk into Bengal; but the obstacles to its introduction, from the ignorance and prejudices of the natives, and other causes, rendered its progress, for several years, comparatively slow. The average quantity of raw silk imported from India previously to 1770, did not exceed 100,000 lib., and this, too, of a very inferior description, and worth only from a third to a half of Italian silk. In 1780 the imports from India amounted to about 200,000 lib.; and, in 1800, to nearly 500,000 lib. Since then, they have continued to increase in a still greater proportion, the quantity of Bengal silk imported in 1823 having been upwards of 1,200,000 lib. of a exceedingly improved quality. The price of Italian raw silk is stated, in the second Report of the Lords' Committee on Foreign Trade, (p. 4), to be from 13s. to 26s. a pound, exclusive of duty, and that of Bengal from 12s. to 25s.: But as only one crop of raw silk is annually produced in Italy, while *from two to three crops are produced in the same period in India*, a very great reduction of price may be expected the moment those absurd and jealous regulations are removed, that now prevent the free application of European capital and skill to the culture and preparation of India silk.

There is a circumstance connected with the sale of raw and wrought silks by the East India Company, which we confess ourselves totally unable to explain, and on which no merchant we ever met with could throw any light. It is this, that any one may purchase of the Company *equal weights of raw and manufactured silk for the same sum of money!* It is plainly imposible that this anomaly could obtain under a system of free trade; and the Commapy ought to be called upon to show how it arises. The price of the raw silk sold by the Company must, it is evident, be either too high, or that of manufactured goods too low; and now that India silk goods are about too be admitted for home consumption, this is a mystery that ought to be cleared up.

The following is an official account of the quantities of raw and thrown silk imported into Great Britain in the year ending the 5th of January, 1824.

An Account of the Imports of Raw and Thrown Silk, from the 5th January 1823 to 5th January 1824.

Countries from whence Imported.	Raw.	Thrown.	Total.
Gremany	35,689		
Holland	1		
Flanders	1,171		
France- -	396,355½	1	
Portugal	179		
Spain- -	1,300½		
Gibraltar	5,784½		
Italy- -	196,787 3/16	359,640 2/16	
Malta- -	381		
Turkey	203,059		
W. E. Brit.	44		
Ditto Foreign			
Bengal	1,218,661 11/16		
China and Persia	392,717		
	2,452,130 3/16	359,641 10/16	2,811,772 6/16

During the same year the exports amounted to only 53,600 lib., of which 40,000 were to Ireland. The imports of silk into Great Britain during the year ending 5th January 1825, amounted to 3,382,357 lib.; of which 1,716,734 were furnished by Italy, and 1,307,300 by the East Indies and China.

It is difficult to form any precise estimate of the present value of the British silk manufacture; but the immense amount of raw and thrown silk imported, shows that it is of vastly greater value than is commonly supposed. 'I calculate,' said Mr. Wilson, a well-informed and extensive silk manufacturer, 'that 'forty thousand hands are employed in throwing 'silk for the weaver, whose wages will, I 'think, amount to 350,000*l.* I estimate that 'half a million of pounds of soap, and a large 'proportion of the most costly dye stuffs, are 'consumed, at a further expense of 300,000*l.* 'and that 265,000*l.* more are paid to 16,500 'winders to prepare it. The number of looms 'may be taken at 40,000, and, including 'weavers, warpers, mechanics, harness-makers 'enterers, twisters, cane-spreaders, quill-winders, and draw-boys, at two hands to a loom, 'will employ 80,000 more persons, and the 'wages amount to 3,000,000*l.* If we include 'infants and dependents, about 400,000 'mouths will be fed by the silk manufacture, 'the value of which I estimate at TEN MILLIONS.'* Mr. Hale of Spitalfields estimates the number of persons supported by the silk manufacture at 500,000; but as Mr Bell, and some other very intelligent gentlemen engaged in the trade, do not carry their estimate so high as Mr Wilson, perhaps his, which is the medium, may be regarded as the most accurate.

These statements are sufficient to show the very great and increasing importance of the British silk manufacture. Such, indeed, and so rapid has been its improvement, that it has now become of considerably greater magnitude and value than that of France! M. Chaptal, who had the best means of obtaining accurate information on the subject, states, in his valuable work *Sur l'Industrie Françoise*, that France does not, in ordinary years, produce more than *a million* of pounds of raw silk, and that the whole quantity consumed in the French manufacture is not more than *double that amount* (*Tom. ii. p.* 118). Neither is it in extent only that we have begun to surpass our ingenious and enterprising neighbours: For though they still continue to excel us in the manufacture of the lighter fabrics, we have obtained an unquestionable superiority over them in the manufacture of gloves and hosiery, as well as in that of poplins, and all those mixed fabrics of which silk is the basis, and we are also already rivalling them in the brightness of our colours and the durability of our dyes. The existing prejudice in favour of French silks, is beyond all doubt to be ascribed principally to the prohibition against their importation: For it is stated in the evidence before the Lords' Committee, that the greater proportion of the silks professing to be smuggled, disposed of in London and other places, are of British manufacture—brought from Spitalfields and Manchester, and not, as our ladies implicitly believe, from Lyons and Marseilles.

It is certainly true, that British silk goods are, generally speaking, higher priced than those of France. But this is wholly a consequence of the artificial circumstances under which the British silk manufacturer has been placed, and does not result from any natural incapacity on our part to prosecute the manufacture with the greatest success. There is no reason whatever to think, had the silk manufacture been treated by Government in the same way as the cotton manufacture—had our manufacturers been allowed to import the raw material free of duty, and been obliged to depend on their own genius and invention for their ascendency in the home as well as in the foreign markets—that we should not have made equally rapid advances in both these great departments of manufacturing industry. But besides being entrenched behind ramparts of prohibitions, and deprived of that stimulus which free competition alone can give—the British silk manufacturer has had to contend with other and very serious difficulties. The French manufacturer obtains all that portion of his raw silk, amounting to about a half, which is raised at home, without payment of any duty whatever, and is only charged on the other half with a duty of 1 franc 2 cent. per killogram (2 lib. 3⅜ oz. avoirdupois), being at the rate of about 4½d. per lib.; at the same time that the duty of foreign organzine imported into France only amounts to 2 francs 4 cent. the killogram, or to 9d. per lib.; whereas, the English manufacturer was forced, up to last year, to pay a duty of 4s. per lib. on all silk imported from Bengal; of 5s. 7½d. on all other raw silk; and of 14s. 8d. on organzine! These monstrous duties added about 25, 30, and 40 per cent. to the prime cost of the different species of silk on which they were respectively imposed. It must also be recollected, that in addition to the waste incurred in the different stages of the manufacture, silk loses about *a fourth part* of its weight in the dying only; and this, with the length of time that elapsed between the payment of the duty on the raw material, and the sale of the finished article, necessarily contributed still farther to enhance

* Second Report of the Lords' Committee, p. 39.

its recep to the consumer. But it is unnecessary to say more with respect to the oppressiveness of the duties in question, than to mention, that the Committee of the House of Lords distinctly state, that the large drawback of 12s. allowed on every pound weight of manufactured silk exported, was in the great majority of cases, a very inadequate compensation for the duty originally paid!

Various representations had been made to Ministers, at different periods, on the subject of these duties. But Mr. Vansittart, who never once doubted that two and two make four in the arithmetic of the Customs, as well as in that of Cocker, turned a deaf ear to all who ever proposed to lower a tax. Fortunately, however, the reign of this tax and restriction-loving gentleman, and that of his worthy and well-selected colleague, Mr George Rose, was at length brought to a close; and no sooner had Messrs. Robinson and Huskisson been advanced to the situations they now fill with so much credit to themselves and advantage to the country, than the state of the silk manufacture was brought under their notice, by petitions to the House of Commons, subscribed by the principal persons concerned in the trade. Among others, a petition was presented from the principal manufacturers in & about London, in which they state, that 'this important manufacture, 'though recently considerably extended, is 'still depressed below its natural level, by laws 'which prevent it from attaining that degree of 'prosperity which, under more favourable 'circumstances, it would acquire. Taking 'into account the unlimited supply of silk 'with which we might be furnished from our 'East India possessions, our indefinite command of capital, and the unrivalled skill and 'industry of our artisans, your petitioners 'hesitate not to express their conviction, that, 'by judicious arrangements, our silk manufacture might be placed in a condition ultimately to triumph over all foreign competition, and that silk, like cotton, may be 'made one of the staple commodities of the 'country.'

Mr. Huskisson having, in consequence of these representations, turned his attention to the state of the silk manufacture, it was not difficult for him to discover, that it laboured under two great disadvantages—the enormous duties on the raw material,—and the prohibition against importation from abroad. The effect of the *first*, was to render silk goods so extravagantly high, as to prevent their being used by any but the most opulent classes; and of the *second*, to extinguish, or at least very much weaken, that spirit of invention and discovery which had given us so decided a superiority in all the other great branches of manufacturing industry. 'The monopoly,' as was well observed by Mr. Huskisson, 'had produced, what monopoly was always sure to 'produce, an indifference with regard to improvement. That useful zeal which gives 'life to industry, which fosters ingenuity, and 'which in manufactures occasions unceasing 'efforts to produce the article in the most 'economical form, had been comparatively 'extinguished. *To the prohibitive system it 'was to be ascribed, that in silk only, in the 'whole range of manufactures, we were left 'behind by our neighbours!* We have here 'a proof of that chilling and benumbing effect 'which is sure to be produced when no genius is called into action; and when we are 'rendered indifferent to exertion, by the indolent security derived from restrictive regulations. I have not the slightest doubt, 'that if the same system had been continued 'with respect to the cotton manufacture, it, 'would have been, at this moment, as subordinate in amount to the woollen, as it is junior in its introduction into this country. *

In accordance with these just and enlarged views, Mr. Huskisson proposed, that the duties on unprepared raw silk should be immediately reduced so low as 3d. per lib. But it was affirmed to be impossible, without entirely ruining the proprietors of silk-mills, to make a corresponding reduction in the duties on foreign thrown or organzine silk; and in consequence, the duties on organzine imported from abroad were only reduced from 14s. 8d. to 7s. 6d. per lib. Having thus provided for the reduction of the duties, Mr Huskisson proposed that the prohibition against importation should continue up to July 1826; and that, subsequently to that period, foreign silk goods of every description might be legally imported on paying an *ad valorem* duty of 30 per cent. The House having agreed, by a very large majority, to the resolutions proposed by Mr. Huskisson, they were soon after passed into a law.

It was not to be expected, considering the peculiar circumstances under which the silk manufacture had previously been carried on, that so great a change should be very cordially approved by many of those engaged in the trade; and the fears that were at first expressed by several, of our incapacity to withstand the competition of the French under the new system, have latterly become more universal; and meetings have in consequence been held in London, and memorials presented to Ministers, in order, as we understand, to induce them to postpone the period for the repeal of the prohibition. But while we hope and believe that Ministers will make no concession whatever on this point, we are at the same time ready to admit, there are others connected with the subject that undoubtedly have a strong claim on their immediate attention. When the lengthened period during which the silk manufacture has existed under a protection from foreign competition, and the magnitude to which it has now grown, are taken into account, nothing, it is obvious, could be more impolitic than to expose it rashly to any sudden and injurious shock. It was, however, supposed by Mr. Huskisson, that the 30 per cent. *ad valorem* duty would afford an ample security against any such contingency; and so it certainly would, were the French and English silk manufacturers placed, in other respects, under nearly the same circumstances. But such is *not* the case; inasmuch as the French only pay a duty of about *ninepence* per lib. on the organzine which they import from Italy, whereas it is still loaded in this country with a duty of *ten times* that amount, or of 7s 6d. It is true, that British organzine pays only the low duty of 3d. per lib. on the raw silk of which it is prepared; but for all the richer goods, as damasks, satins, gauzes, &c. in which the French are our great rivals, Italian organzine is still indispensable. The manufacturers contend, that while this high duty on organzine is continued (equal, as they affirm, of itself, to 35 per cent. on the cost of the material) in addition to the high duties that are also imposed on dye stuffs, ashes, and soap, all of which are very largely used in the silk manufacture, an *ad valorem* duty of 30 per cent. must be totally insufficient to protect from ruin, those branches of the manufacture in which they are most likely to be undersold by the French, German, and Swiss, to say nothing of the Chinese and East Indians.

Now, although we do not pretend to say that the manufacturers may not have somewhat exaggerated the effects of the duty on organzine, dye stuffs, and soap, still it is perfectly clear that their statement must be to a very great extent true, and that it is in every respect highly deserving of consideration. But, admitting the statements of the manufacturers to be true to the letter, ought we, therefore, to perpetuate that system of monopoly which has already been productive of so many disadvantages?—most certainly not. The obvious, effectual, and only proper remedy is, to take off the duties on dye stuffs and ashes, and still farther to reduce those on organzine and soap. We have always approved the policy of ministers in reducing those taxes that affect the commerce and manufactures of the country, in preference to those that the consumers are directly called upon to pay. But of all the indirect taxes, we do not know that there are any more oppressive than those on dye stuffs and soap. The latter is not only burdened with a heavy direct duty, but it is also taxed indirectly in the shape of tallow and barilla, the constituents of which it is made: And the fact that these duties add, on an average, 120 per cent. to the coast of soap, and that 40 lib. of soap are required for every 100 lib. of silk dyed in colours, shows how extremely injurious they must be to the silk manufacture, as well as to those manufactures in which soap is largely used. We do, therefore, hope that this subject will engage the speedy attention of Ministers. The revenue that would be immediately lost by the entire repeal of the duties on barilla, tallow, dye stuffs, &c. would not exceed 236,000*l.*; and from thirty to fifty per cent. might be deducted from the direct duty on soap, without occasioning any ultimate loss of revenue, and with very great advantage to the manufactures and commerce of the country.*

Any farther reduction of the duty on foreign organzine will most probably be opposed by the British throwsters. But we have heard some of the best informed amongst them admit, that with a protection of 3s. or 4s., *they would not have much to fear;* and from all that we can learn on the subject, we are firmly persuaded that our throwsters would be just as effectually protected by that duty, as they are by the present duty of 7s. 6d. Besides, it would, in any view of the subject, be the extreme of folly to risk the sacrifice of the whole silk manufacture, for the sake of this subordinate and accessory branch! There is no reason, however, for apprehension with respect to the safety of any branch of the manufacture. It is admitted on all hands, that the machinery in the British mills is vastly superior to that used in Italy; nor can there be a doubt, that if our throwsters had any strong inducement to call the various resources of mechanical skill and genius to their assistance, they would very soon obtain a decided ascendancy over the Italians. The idea that the Italians export the inferior sorts of raw silk only, and that they keep the better sorts at home, in order to convert them into organzine, is contradicted by the fact, that raw silk has borne, for many years back, rather a higher proportional price than organzine. But it is not proposed to withdraw the protection hitherto given to the English throwsters; though it is quite indispensable, in order to prevent the extinction of those branches of the manufacture in which foreign organzine is used, that it should be effectually reduced. We understand that silk is thrown, or converted into organzine, in Italy, for about 3s. 6d. per lib.; and it is quite visionary to imagine that our throwsters, possessed as they are of much better machinery than that used in Italy, should not be able to carry on their business, with a protection *equal to the whole cost of throwing in that country!* If they cannot stand the competition of the Italians on this footing, then certainly the sooner our silk mills are annihilated the better. But there can be no doubt that, with a duty of 3s. 6d., they would be most completely protected: And supposing it to be fixed at this sum, and the duties on dye stuffs repealed, and those on soap effectually reduced, our silk manufacturers will have nothing to fear from the competition of the French.

If these things are resolutely done, a foundation will be laid for the indefinite improvement and extension of this great manufacture; and measures ought, at the same time, to be taken for gradually reducing the 30 per cent. *ad valorem* duty, and for placing the trade, at no very distant period, on that footing of free competition on which alone it can ultimately stand with security. On the other hand, we do not hesitate to state, that, if these things are *not* done, the silk manufacturers will have just reason to complain of rather harsh treatment; and in the event of the manufacture sustaining any very serious shock, an opportunity will be afforded of raising a clamour, and of misrepresenting and traducing the liberal policy on which Ministers are now acting. It is easy, however, to guard against any such contingency; and a just regard to the interests of all parties requires that it should be done. We are as much averse to restrictions as it is possible for any one to be; but while we are most anxious for their total aboliton, we are also anxious that those who *have been* so protected should, when the protection is withdrawn, be relived from all injurious restraints and disproportionate burdens, and placed in a situation fairly to meet their rivals.*

ART. VII. 1. *Reports and Evidence upon the State of Ireland. Ordered to be printed by the House of Lords and the House of Commons, Sessions* 1824—1825.

2. *The Book of the Roman Catholic Church.* By CHARLES BUTLER, Esq. London, 1824.

THAT the Catholic Bill would pass last Session, was an event that no one, in the least degree acquainted with the power of certain influences upon the decisions of Parliament, ever for a moment expected: But that its rejection should be accompanied with speeches such as those of the Duke of York and Lord Liverpool, was a matter of universal astonishment. These speeches we hold to be of exceedingly ill omen, considering who the individual are who made them; and in our judgment they are not less to be censured for the principles they inculcate, than for the temper with which they were uttered. We are most firmly convinced, and we feel assured that, in saying so, we express the conviction of all reflecting and judicious men, that, if the policy recommended in those speeches were to be steadily acted upon, the whole redundant and semi-barbarous population of Ireland would soon be united in open and interminable hostility to England. We should no longer have to deal with partial and unconnected outrages and disturbances; but on the first favourable opportunity, the whole population would rise *en masse* to avenge centuries of misgovernment, and to relieve themselves from that sentence of eternal proscription that has been fulminated against them. If the policy of the Duke of York and Lord Liverpool be continued for a few years longer, whatever feelings may now exist favourable to the English connexion will be effectually obliterated: The standard of rebellion will be unfurled on the first provocation; and none but simpletons can suppose that our foreign enemies will fail to embrace so favourable an opportunity for striking a mortal blow at the power and resources of England. It is not on the Continent or on the ocean, in America or in the East Indies, but in Ireland, that the battle of England's independence must be fought; and though we should, in the first instance, gain a ruinous victory over those whom we might have rendered our best defenders, it is not in the nature of things that the reign of *helotism* can be perpetual, or that *six millions* of oppressed and incensed subjects can be forever held in a state of unwilling subjection.

Viewing, therefore, as we do, the question of Catholic Emancipation as of vast and paramount importance, not merely as affecting Ireland only, but as involving the integrity and, for that reason, the fate of the British Empire, we make no apology for attempting once more to demonstrate the futility and absurdity of the charges on which the proscription of the Catholics is attempted to be justified. We shall endeavour to remove the veil which prejudice, misrepresentation, and bigotry, have thrown over the principles and conduct of our Roman Catholic fellow-citizens; and to confute the assertions in some of those violent and malignant speeches, petitions and testimonies, which impute doctrines to them which their church has never held. For, after all, however exalted the station of some persons who have put themselves forward as the *unchangeable* enemies of Catholic freedom, and however formidable that Church and State alliance which is opposed to the Catholic claims, *Public Opinion*, most fortunately, is still able to direct and govern the measures of these realms; and when once the misrepresentations and calumnies so artfully and industriously circulated against the Catholics are exposed, we may be allowed to hope that this opinion will be still more strongly manifested in their favour, and that the efforts of the assertors of perpetual exclusion will be cheered only by the plaudits of the dregs of the mob. And, whenever this comes to be the case we have no sort of doubt that our most headstrong princes and most Protestant statesmen will speedily discover many very excellent reasons relaxing their opposition, and for submitting to the painful sacrifice of seeing their Catholic countrymen restored to the full enjoyment of those rights and privileges so long and so unjustly withheld from them.

Next to the speeches we have alluded to, no circumstance has contributed more to propagate error, and to keep alive impressions hostile to the Catholics, than the efforts of the clergy, and the petitions presented by them to both Houses of Parliament. But it would be well were those Protestant Divines, who have been so forward in bringing accusations against the Catholics, and in declaring what the doctrines of Roman Catholics are, from their own views and inferences, to let the Roman Catholic Church speak for itself; and to allow its dogmas to be learned from its councils, its professions of faith, its catechisms, its liturgies, and its most able divines. How loud and clamorous would these reverend petitioners be, were doctrines to be fabricated and promulgated by Roman Catholic priests, as tenets of the Church of England which were no where to be found either in the Bible, the Thirty-nine Articles, the Homilies, or the Portestant Liturgy? Would not, then, these reverend gentlemen do well to act with a little more discretion and a little less zeal, and to adopt the same rule towards Catholics which they, as a matter of course, and very properly, would require Catholics to act upon towards them? For our own part, we feel it to be our duty, in approaching the delicate and now highly important task, of endeavouring to develop the real principles of the Roman Catholic religion, with respect to the so much talked of authority and influence of the Pope, to suspect all our own old and long cherished opinions to investigate each fact of the case, as if for the first time presented to our understanding; and above all, not to take doctrines of the Catholics at second-hand, but to refer directly to the known depositaries of their faith and discipline, as the course that is the most free from exception, and the best calculated to lead to impartial and accurate conclusion.

It should always be kept in view, in all inquiries with respect to the principles or tenets of the Roman Catholic religion, that, be its defects what they may—and we certainly think they are neither few nor small—it is a Christian Religion; that its main object unquestionably is to make men acquainted with their duties towards God and towards each other; that it was long the only religion of the Christian world, and that it is still by far the most generally diffused; and that in several Catholic nations, there exists the highest state of intellectual cultivation. It should also be remembered, that Catholic priests and monks kept Christianity alive during the dark ages, and that it is to them that we owe the Sacred writings, and all that we know of the lives of the apostles and primitive fathers: And in our zeal against the corruptions of the Court of Rome, we should not forget that we are indebted to the Catholic monastic establishments for the preservation of the inestimable remains of Greek and Roman literature; and for keeping alive during the protracted and seemingly hopeless period of 1000 years of barbarism and darkness, those scattered sparks of truth and science, which were afterwards to kindle into so bright a flame!*

The reverend petitioners of the Church of England would also do well to reflect, that in vilifying and misrepresenting the Catholic religion, they are raising a prejudice against a religion that has a very great similarity to their own. In Clarendon's State Papers, there is a report upon the state of the Established Church, made in 1634 upon special

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* We subjoin a note of the current prices, duty included, of some of the principal articles used in the dying of silks, of the amount of the duty on them, and of the net revenue derived therefrom, in the year ending 5th of January 1825.

	Price	Duty.	Revenue.
Ashes, Pearl & Pot,	44s. per cwt.	11s. 2d. per cwt.	L.29,731
Bark (Quercitron),	16s. —	2s. —	2,722
Cochineal,	24s. 6d. —	2s. 6d. —	14,137
Madder,	95s. —	12s. —	52,515
Tallow,	42s. —	8s. 4d. —	122,032
Barilla,	24s. —	8s. 6d. —	15,153
			236,290
Soap—white,	86s. —	28s.	
—mottled,	82s. —	28s. —	1,154,503
—yellow,	74s. —	28s.	
—soft,	49s. —	21s.	
			L. 1,390,793

* Mr Huskisson's Speech, 24th March 1824.

* Since writing the above, we have heard that Ministers have resolved to reduce the duty on organzine to 5s. This is a most proper and judicious measure, though, for the reasons stated above, we cannot but think that the reduction should have been carried still further.

* 1st Dissertation, Supp. Ency. Brit. Vol. I. p. 21.

and minute inquiry by Father Leander to Pope Urban VIII, and quoted by Mr. Butler in his book of the Roman Catholic church,* which states that, 'in the greater number of 'the articles of faith, the English Protestants 'of the Established Church are truly orthodox; as on the sublime mysteries of the 'Trinity and the Incarnation; on the economy of the redemption of man and satisfaction; through the whole almost of the controversies respecting predestination, grace, and free-will; the necessity and merits of good works; and the other articles expressed in the Creed of the Apostles, in the Nicene and Athanasian Creeds, (as these stand in the Roman Catholic Liturgy), and in the four first General Councils.'† The same similarity exists in respect to the discipline of both churches. This report states, that 'the 'Protestant Church retains an external appearance of the Ecclesiastical hierarchy, 'which was in force during the time of the 'Catholic religion; it has its archbishops, 'bishops, deans, archdeacons, chapters of 'canons in the cathedrals of the most ancient 'sees, and most ample revenues; it preserves 'its ancient edifices, the names of its ancient 'parishes, priests, and deacons, a form of conferring orders, which agrees in most respects 'with the form prescribed by the Roman 'Pontifical; it preserves also the clerical 'habits and gowns, the pastoral crook and 'crosses.'

In the first Liturgy of Edward VI, were retained not only the word mass as observed before the Reformation, but priests and altars, with their usual vestures and ornaments,—sacrifice, paten, and corporals, chalice with wine and water, communion in one kind in case of necessity, bread made in the form of a wafer, triple mersions, chrysoms and oils, prayers for the dead, extreme unction, and crossings.‡ The doctrines of the Catholic Church as to absolution, confession, and penance, are laid down in the Common Prayer Book in the *same words* as they are described in the Catholic books. The gospels, epistles, and collects in the Liturgy of the Church of England are the same as those in the Catholic Liturgy; and the ordination of a Catholic priest is admitted to be valid, if he become a convert to the Church of England. This great similitude between the two Churches, is still farther and strikingly exhibited by many of the ordinary books of devotion and instruction, originally composed and used by Catholics, being reprinted, and in common use for religious instruction among Protestants; such as, 'The following of Christ,' by Thomas a Kempis—'F. Parson's Directory,'—'The Introduction to a Devout Life'—'Devotions after the ancient way of offices,'—and many others. So great in fact is the similitude between the Church of Rome and of England, that the Scotch and all other Reformed churches have made but little distinction between them. The Church of England has been called by them the eldest daughter of Antichrist—and many other choice epithets have been applied to her by our early reformers, which we do not now choose to repeat.

But our business is not with those points respecting transubstantiation, tradition, the invocation of the saints, &c. at issue between the Church of Rome and the Church of England. We leave these to be discussed by those who are curious about such matters. It is enough for us if we are able to show, that whatever may be the character of the Catholic religion as a system of Religious faith, there is nothing in it to warrant the exclusion of those who profess it, from the fullest participation in those Civil Rights that are enjoyed by Protestants. Discarding, therefore, the purely theological parts of the controversy, we shall now endeavour to show, that the assertions advanced by Lord Liverpool respecting the implicit obedience due by all Catholics to the Pope, and their divided allegiance, are utterly without foundation. If we succeed, as we believe we shall do, in establishing this point, the accusations of the Bishop of Chester and the Archbishop of Dublin will not go for much.

I. With respect to THE POWER OF THE POPE.—The question we propose to resolve is this, *Whether all who are in communion with the Pope are bound to consider him as infallible, and to obey him in all matters; and whether the Pope is paramount and superior to General Councils?*

It is no doubt true, that Bellermine and some other writers of great eminence, who have been honoured with the highest rewards by the See of Rome, have thaught the doctrine of the infallibility of the Pope. But Bellermine is only an individual; and his *opinion*, unless it has received the sanction of the Catholic Church, can never be said to be an article of Catholic faith. Instead, however, of being so sanctioned, we find, in the first place, that the doctrine of the infallibility of the Pope is not so much as mentioned in the definitions of the Council of Florence, in which the extent of the Papal authority was professedly and fully discussed. It is not in the Creed of Pope Pius IV. which was collected out of the Council of Trent, and which is considered by all Catholics as the most accurate and explicit summary of the faith of their Church. It is neither mentioned in the Catechism *ad parochos*, nor in the other catechism which have been formed for the general instruction of the people. But at the same time that we do not find this doctrine in any authentic exposition of the Catholic faith, we do find it distinctly denied by a host of authorities. Bellarmine himself acknowledges, that five eminent doctors explicitly denied this infallibility of the Pope, *without being censured by the Church.** Launoius reckons up *twelve universities*, and *seventy-five single writers*, among whom are several archbishops, bishops, and cardinals, all professedly writing against the infallibility of the Pope, without any censure being passed upon them.† And therefore, without wasting time in making other refereuces, we feel justified in coming to the conclusion, that the acknowledgment of the Papal infallibility is not a condition of communion with the Catholic Church. Whatever there is in it, if there really is any thing worth attending to, can be set down as no more than a *matter of opinion*, adopted by some writers, and *not a matter of faith*, forming part of the Catholic religion;—a distinction, we beg to observe, of no slight importance, and which has been very often laid down by our own most eminent divines, and among others by the Archbishop of York, Dr. Sharp, in his celebrated sermon preached at Guildhall in 1674. In this sermon the archbishop endeavours to remove the occasions of schism, so that all men may pursue those things that make for peace, by laying down certain rules for the fair discussion of matters of religious controversy; the first of which directly applies to the question now before us, and is as follows: 'To distinguish carefully between matters of FAITH and matters of OPINION, and not 'to charge against a religion as a matter of faith, 'what is merely a matter of opinion; and *as* 'to these latter, to be willing that every one *should enjoy the liberty of judging for himself.*'

As to that part of the question which relates to the supposed power of the Pope over *General Councils*.‡ the Reverend Mr. Phelan,§ aclergyman of the Establishment, says, in his evidence before the Committee of the House of Commons: 'The Pope, *ratione sui primatûs*, is superior to 'all Bishops taken separately, and even to a National Council.' And to support this assertion, he quotes the following paragraph from the class book of the College of Maynooth: '*Romanus Pontifex, nemine neganie, ratione sui primatûs, superior est omnibus episcopis divisim sumptis, et conciliis ipsis provincialibus et nationalibus.*'‖ Mr. Phelan also says generally, in respect of the Pope's power: 'If the orders of the Pope are 'enforced by excommunication, a Catholic is 'no longer at liberty to disobey them; his first 'duty in that case is to become reconciled to 'the Church;' and Mr. Phelan refers to the Bull *Unigenitus* to sustain this position.¶ The Reverend Mortimer O'Sullivan, who describes himself as having been some time second master of the Tipperary school, and curate of the parish of Tipperary, (a very flippant witness in preferring charges against the Catholics, but not quite so ready in producing proofs to sustain them), goes far beyond Mr. Phelan in his notions of the power of the Pope. He says, 'The Pope is the person who is to define the limits to which obedience extends.'—'The Pope is the person who 'is to judge the meaning of the canons.'—'The 'Pope can at any time revive into operation 'canons which may now be called obsolete, and 'by his assent to them make them canons of the 'church.'—'If the Pope pronounce *ex cathedrâ* 'any decision, the whole church is bound to abide 'by it, whatever it may be.'—'The Pope has the 'power of defining the meaning of an oath.'—'The 'Pope has the power of summoning a council 'around him, and can have the faith defined to 'be whatever suits his particular purpose.'*

Now all this sounds very confident and positive, but the following evidence of the Catholic Archbishop of Dublin, Dr. Murray, and of the Catholic Bishop of Kildare and Leighlin, Dr. Doyle, fully proves that these opinions of Mr. Phelan and Mr. Mortimer O'Sullivan are altogether unfounded.

Dr. Murray's evidence.—'It has been stated in evidence, that, in the class-book of Maynooth, it is laid down that the Pope is superior to all bishops, taken separately, or even to provincial and national councils. How is this statement to be understood?—He is so, because his jurisdiction extends over the whole church; whereas, the jurisdiction of a single bishop, or of the bishops of a province, or of a nation, does not extend beyond the limits that are implied by those different denominations. Moreover, the decrees of provincial or national synods, according to our discipline, have not effect without the confirmation of the Pope; and *on that account* his *jurisdiction* is stated to be superior to, or more extensive than, the jurisdiction just alluded to.

'Is his *authority* under the control of general councils?—His *authority is limited by the councils and canons (decrees of Councils) of the church.* He is the executive power of the church, appointed to preside over it, and enforce *its canons and laws.*

'Is a decree of the Pope valid without the consent of a council?—A decree of the Pope in matters of doctrine *is not considered binding on Catholics*, if it have not the consent of the whole church, either dispersed or assembled, by its bishops in council. (pp. 224,650.)

'What alternative would remain to a Catholic who appeared to be unjustly excommunicated?—If the excommunication were known to be unjust, of course he would disregard it. If it was of a doubtful nature, he possibly might, to avoid scandal, hold himself as excommunicated; that is, he would not receive externally the sacraments of the Catholic church, until the doubt should be removed. But no excommunication, no dread, *no inducement that could be held out by the Pope, or any other, should prevail on him to do wrong, nor of course to transgress the allegiance he owes to his Sovereign.* He would not therefore renounce his religion; but, in resisting such an excommunication, he would act conformably to the principles of his religion, *which teach him that he owes* UNDIVIDED ALLEGIANCE *to the sovereign of the realm in which he lives, and where protection is afforded to him.*

'Does the Catholic church consider that each individual is a judge of the juslice of the excommunication which may be applied to him?—Certainly, if it regard a matter already decided. In a matter of doubt he has recourse to his spiritual guides, to his bishop, or to his pastor. *If an excommunication came from the Pope against any one who would not assist him in acquiring temporal dominion within these realms, every bishop and every priest in the country would feel it a duty to resist that mandate, and to teach their flocks that they were bound to resist it.*

'If an excommunication is issued against any individual of your church, either for doing that which is in itself a duty for him to do, or for not doing that which it would be a crime in him to do, is not any individual of your church at liberty to exercise his reason and his judgment in such a case, and see whether the doing or the abstaining from doing would be sinful?'—'Most certainly. It is only for grievous crimes that such censures are inflicted; and every man, by looking into his prayer-book, sees what those crimes are.

'If the criminality or the innocence of the act should depend upon the positive precepts of religion, the individual, in order to satisfy himself in that respect, would have recourse to the word of God, as he finds it in the Sacred Scriptures, and in the ordinances of his church?'—'Certainly." (Evidence, pp. 648, 649.)

Dr. Murray allows that the Bull *Unigenitus* contains the condemnation of the proposition, 'That the fear of an unjust excommunication 'ought not to deter us from doing our duty.' But he adds, 'Notwithstanding this an unjust 'excommunication should not deter us from doing our duty;' and he explains, that this bull is in nowise inconsistent with this general doctrine, by showing that it applied to the particular case of the Jansenists; and he further adds, that the parliaments of Paris refused to register this bull, until this explanation was given of it. (p. 648).

'*Dr. Doyle's Evidence.*—Is the authority of the Pope, in spiritual matters, absolute or limited? *It is limited.*

'Is it limited by the authority of Councils? *It is limited by decrees of Councils already passed* (that is, by the canons universally received by the church, or such parts of them as are received by the church.' (*See Lords' Evidence*, p. 245). *It is limited by usage also* in this respect, that when he directs any decree respecting local discipline to any nation whatsoever beyond the limits of his own territory (I mean by his own territory, what is called the Patrimony of St. Peter, or the Papal States), the assent of the bishops of such country is necessary, in order that his decree have effect.' (p. 173)

'In what, and how far, does the Roman Catholic profess to obey the Pope? The Catholic professes to obey the Pope in matters which regard his religious faith, and in those matters of ecclesiastical discipline which have already been defined by the competent authorities. (p. 191.)

'Where can the Committee find the laws which define the powers or pretensions of the See of Rome with respect to foreign countries? We can best find them in the usages of the different churches in Europe; and we are not bound to recognise any of those ancient laws which at all affected temporal rights.

'Do the usages of the different states of Europe determine the power of the See of Rome?—Yes, the usages of each country respectively; for instance, in Spain, a usage I think is, that the Pope should have the nomination to certain dignities in each chapter upon their becoming vacant; also, that he should have the power generally, through that kingdom, to nominate to benefices which become vacant in one particular month, or two months of the year. This is the usage of *the Spanish church. In France.* I believe, he has no power to nominate to any benefice either in the cathedral or out of it; thus the usage of one church grants, one thing, and the usage of another church denies the same thing to him in another country. (p 219.)

'Do the Catholic clergy insist, that all the bulls of the Pope are entitled to obedience?—*By no means.* The Pope we consider as the executive authority in the church; and when he issues a bull, enforcing a discipline *already settled by a general Council, such bull* is entitled to respect; but he may issue bulls which would regard local discipline, or other matters not already defined; and in that case his bull would be treated by us *in such manner as might seem good to us.* For instance, did it trench upon our local discipline, we might treat it as we did the rescript of Quarrantoli; did we find that it was unreasonable, *we would refuse to accept of it.*' (p. 191.)

We shall now refer to documents of still higher authority on the question of the Papal power. Bellarmine seems to carry the Papal supremacy so high, as to be paramount and superior to General Councils: but no such doctrine is declared in the Councils of Florence or of Trent, or in any of those expositions of the Catholic faith to which we have already referred. The Council of Pisa, held by many to be a General Council, showed itself freely and decidedly against Bellarmine's opinion, by actually deposing Benedict XIII. and Gregory XII., and electing Alexander V. in their place. And the Councils of Constance and Basil, among the most authoritative that ever assembled, have declared, in express terms, that the supreme power of the Church-militant under Christ over all the faithful, and even over the Pope himself, with respect to matters of faith, is vested in General Council; and that all persons whatever, and amongst others the Pope himself, are bound to obey and be subject to their decrees.* It has been the practice accordingly, in the most Catholic countries, to appeal from bulls issued by the Popes to a future General Council: For instance, the University of Paris has thus appealed four times; the Emperor Charles V. made a like appeal; and many similar instances are on record.† Launoius has reckoned up *thirty-five* Popes who have acknowledged the superiority of General Councils.‡ In the decree of the Council of Florence, the exercise of the Papal power is expressly declared to be limited by the observation of Œcumenical Councils and of the Sacred Canons, and is consequently subjected to them. *Quemadmodum et in gestis Œcumenicorum Concliiorum et in Sacris Canonibus continentur*, are the *words of this decree.*§ In addition to these authorities, we have to add that of the Protestant Archbishop, Bramhall, who appears from his writings to have most minutely examined this matter. He says, that General Councils are above the Pope, and may depose him, and put another in his place, and take cognisance of appeals from the Pope.‖

Dr Doyle having informed the Committee, that the authority of the Pope is limited by the usages of different nations.¶ we shall now shortly examine what these usages have been.

The Gallican Church has always successfully opposed the attempts of the Popes to obtain any temporal power in the kingdom of France, or to exalt their authority over that of General Councils. In 1682, in a General Assembly of the clergy of France, the famous declaration with respect to the power of the Pope, drawn up by Bossuet, the ablest defender of the Catholic faith, was agreed to. We subjoin a summary of the four articles of which this Declaration consists. I. that Kings and Princes are *not in any degree subject*, with respect to their temporal affairs, to the authority of the Church; and that *they can neither be deposed*, directly or indirectly, by the authority of the Pope, nor their subjects *absolved from the obedience* and allegiance which they owe them. II. That the decrees of the Council of Constance, with respect to the authority of General Councils, remain in all their force and vigour: and that the Church of France does not concur with those who hold that these decrees are doubtful, that they have not been approved, or that they were intended to apply only to a period of schism. III. That the exercise of the Ecclesiastical power ought to be regulated by the Canons, (decrees of General Councils); that the rules, customs, and laws received in the French Church ought to be observed. IV. And that though, in the decision of questions of faith, the Sovereign Pontiff has the principal part, and his decrees regard all Churches, and each Church in particular, yet *they are not to be considered as infallible*, unless they have been accepted by the Church.—This decree, after being confirmed by an edict of the King, was registered by the Parliament of Paris, and has ever since been uniformly considered as the recognised and fundamental law of the State.

With respect to other Churches, Archbishop Bramhall tells us, that the Emperors of Germany call Synods, and reform, by their means, the excesses of the Roman Court, and other ecclesiastical innovations and abuses. And with respect to Spain, he says, that the King, by himself and delegates whom he substitutes, judges and punishes all ecclesiastical crimes; that he suffers no appeals to Rome; that Charles V., in 1534, renewed an edict of his predecessors, that bulls and missives sent from Rome should be visited; that Alexander Castracan was disgraced and expelled from Spain for publishing the Pope's bulls; that the Papal censures were declared void; and that the Pope's delegates were banished from Spain. The Archbishop relates similar facts with regard to Flanders and Venice; and then as to England, he says, 'the Kings of England, in their great Councils, did make themselves the last judges in cases ecclesiastical, and not the Pope that the Pope could do nothing here, either *against* the canons or *besides* the canons; and that the canons are no canons in England except they be received.' And then adds, 'This same privilege was anciently radicated in the fundamental laws of England.'*

Having now produced the evidence of the Irish Bishops, and the authority of Catholic documents, and of established usages, all affording direct proof that the spiritual authority of the Pope is *not* superior to that of General Councils, but is limited and regulated by the authority of the Councils and canons of the Church, we trust we have completely deprived the opinions of Mr Phelan and Mr Mortimer O'Sullivan of all claim to be attended to, although supported by the authority of Bellarmine. And as to him, whatever his doctrine may be, it is no more than a matter of opinion, and not a matter of faith; and therefore, according to the rule of Archbishop Sharp, it

* Mr. Butler's book of the R. C. Church, p. 2.
† Clarendson's State Papers, Vol. I. p. 197.
‡ See Stat. 2. and 3. Ed. 6. c. 1.

* C. de Rom. Pont. c. 11.
† 298. Ep. 4. Ep. ad Hen. Barillonum. And 3. Ep. 2. ad Christoph. Faveam.
‡ A general council is composed of bishops sent to represent each national church in Christendom. Their decrees, to be valid, must be approved of by the Pope.
§ This Mr Phelan, a few years ago, published a pamphlet, in which he strongly condemned the Irish Bible Society, and proposed a union between the Church of England and the Church of Rome against sectaries. It was reviewed in this work; but by a mistake of the press, Mr Phelan's name was written Phelaw.
‖ Evidence, p. 485. The references in this articles are to the evidence given before the House of Commons' Committee unless when the evidence given before the House of Lords is specially named.
¶ Evidence, p. 483.
* Evidence, pp. 460, 461, 463, 468.

* Conc. Const. Sess. 4 and 5.—Conc Basil. Sess. 3.
† Richerius, Hist. Conc. Constant. p. 259. Edit. Colon. 4 to.
‡ P. I Ep. ad Hieron. Sambæium.
§ Mr Charles Butler, in his book of the R. C. Church, refers to the canon of the 10th Session of this Council, and says, that it defined, that 'full 'power was delegated to the Bishop of Rome, in the 'person of St. Peter, to feed, regulate, and govern 'the universal Church, *as expressed in the General 'Councils and holy canons.*'—This, 'Mr Butler 'declares, IS THE DOCTRINE OF THE R. C. CHURCH, 'ON THE AUTHORITY OF THE POPE, and beyond it no Roman Catholic is required to believe.' Mr Blanco White, in his late publication, denies the accuracy of the declaration of Mr Butler, and quotes the words, 'full power to feed, regulate, and govern the universal Church,' as giving an unlimited power,—without quoting the words immediately following, '*as expressed in the General Councils and holy canons*;' which words directly qualify and limit the power!!! Mr B. W., we regret to say, betrays many similar suppressions of the whole truth in his book.
‖ Just. Vindic. of the Ch. of Eng. Disc. 3. c. 8.
¶ Evidence. pp. 173. 219.
* Just. Vindic. of Ch. Eng.

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cannot be set down as a doctrine of the Roman Catholic religion.

II. *Whether has the Pope any power in temporal affairs, so as to depose princes, and to absolve subjects from their allegiance?*

The Reverend Mortimer O'Sullivan is pleased to say, in his evidence, that 'any Roman Catholic clergyman who entertains the opinion, that the deposing power of the Pope is considered obsolete in the Catholic Church, must be inconsistent;' and, 'that the Pope's power of defining the limits of obedience to him, allows the admission of a deposing power.'* Mr Phelan, again, infers, that the doctrine of deposing kings, and absolving subjects from their allegiance, is maintained virtually by the whole body of the Church at this moment, from Dr Murray's calendar having in it, as saints, the names of Thomas of Canterbury, Lawrence of Dublin, Gregory VII., and Pius V.; in as much as these persons were particularly conspicuous for supporting and enforcing this doctrine. Mr Phelan also says, 'I have reason to believe, at the time when these doctrines were first rejected, the rejection proceeded rather from political motives, than from any conviction that they were untenable.'† And similar opinions have of late been repeatedly declared in speeches, petitions, and pamphlets.

In order to show what degree of credit is due to these opinions, we shall proceed at once to quote the evidence of Drs Doyle and Murray, and of the Catholic Archbishop of Tuam, Dr Kelly.

Dr Doyle's Evidence.—'Is the claim that some Popes have set up to temporal authority opposed to Scripture and tradition?—In my opinion, *it is opposed to both.*

'Were those claims of the Pope opposed in Europe? Opposed they were; and the consequence of such opposition were many and very bloody wars; the Kings of France contended against the Popes; the Emperors properly so called, I cannot call them Emperors of Germany, for they were the Sovereigns of the Roman Empire, contended with the Popes; the Kings of Naples have had, from time immemorial, disputes upon these grounds with the Popes; and there was scarcely a Catholic Sovereign in Europe, who at one time or other, did not contend with his contemporary Pope, upon this very ground.

'Does the Pope at present dispose in any way of temporal affairs within the kingdoms of any Princes on the Continent? The Pope at present *does not interfere*, or *attempt to interfere* with the temporal concerns of any kingdom in Europe.' (p. 191.)

'*Dr Murray's Evidence.*—How far is the claim that some Popes have set up to temporal authority, opposed to Scripture and tradition? As far as it may have been exercised as coming from a right granted to them by God, it appears to me to *be contrary to Scripture and tradition.*

'Does the Pope now dispose of the temporal affairs within the kingdoms of any of the Princes of the Continent? Not that I am aware of; *I am sure he does not.*' (p. 224.)

'Although the deposing power of the Pope is denied, may it not be revived? It is *absolutely impossible* that the deposing power of the Pope could be revived; any pretension of that kind is extinguished for ever.' (p. 658.)

'*Dr Kelly's Evidence.*—Was it ever admitted as a doctrine of the Catholic Church that the Pope had any temporal jurisdiction out of the patrimony of St Peter? It *never* was admitted as a doctrine of the universal church, that the Pope could exercise temporal jurisdiction without the limits of his own territory. There may have been some individuals who have held that opinion, but *it never could be called or considered the doctrine of the Roman Catholic Church.*

'Does any difference of opinion now exist in any part of Europe with regard to temporal power? I am not aware that *there is a Catholic divine in existence at present*, who holds the doctrine of the Pope having temporal power or authority over independent states.' (p. 240.

If we look the usages of the different nations of Europe for more information in regard to the Pope's power in temporal affairs, we find abundant facts to coroborate the foregoing evidence. The following description of the liberties of the Gallican Church by Archbishop Bramhall, as to the civil government of that country, is full of the most interesting information bearing directly upon this question. 1. 'The Pope cannot command or ordain *any thing*, directly or indirectly, *concerning any temporal affairs* within the dominions of the King of *France* 2. No command whatsoever of the Pope can free the French clergy from their obligation to obey the commands of their Sovereign. 3. The commissions and bulls of the Pope's legates are to be seen, examined, and approved by the Court of Parliament, and to be registered and published with such cautions and modifications as that court shall judge expedient for the good of the kingdom, & to be executed according to the said cautions, & not otherwise. 4. The prelates of the French church, although commanded by the Pope, for what cause sover it be, may not depart out of the kingdom without the King's command or license. 5. The Pope can, neither by himself nor by his delegates, judge any thing which concerns the state, pre-eminence, or privilege of the Crown of France, nor of any thing pertaining to it; nor can there be any question or process about the state or pretension of the King, but in his own Courts. 6. Papal bulls, citations, *sentences, excommunications*, and the like, *are not to be executed in France, without the King's command or* permission; and after the permission, *only by authority of the King*,' and not by the authority of the Pope, to shun confusion and mixture of jurisdiction. 7. Neither *the King*, nor *his realm*, nor *his officers, can be excommunicated* or interdicted by the Pope, *nor his subjects absolved from their oath* of allegiance. 8. The Pope cannot impose pensions in France upon any benefices having cure of souls; nor upon any others, but according to the canons, according to the express condition of the resignation or *ad redimendam vexationem*. 9. Ecclesiastical persons may be convicted, judged, and sentenced before a secular judge, for the first grievous or enormous crime, or for lesser offences after a relapse, which renders them incorrigible in the eye of the law. 10. All the prelates of France are obliged to swear fealty to the king, and to receive *from him* their investitures for their fees or manors.'

* Evidence, p. 460, † Ib. p. 485.

The Archbishop having thus described the liberties of the Gallican Church, proceeds in these words---'*That the Kings of France*, with peers, parliaments, ambassadores, schools, and universities, have all of them, in all ages, *affronted and curbed the Roman Court* and reduced them to a right temper and constitution as often as they deviated from the canons of the Fathers, and encroached on the liberties of the Gallican Church; whereby the Pope's jurisdiction in France came to be merely discretionary, at the pleasure of the King. And *notwithstanding this*, the Kings of France *are acknowledged by the Popes themselves, to be the most Christian*, the eldest sons of the church, and protectors of the Roman See!'

In the same chapter from which this is made, the Archbishop gives many instances of the *German* Emperors having maintained the rights of the Empire, notwithstanding all the opposition of the Pope; and quotes the protestation of the Electoral College and of other Princes of the empire, in their letter to Benedict XII., namely, 'That they would maintain, defend, and preserve inviolate, the rights, honours, goods, liberties, and customs of the Empire, and their own electoral right belonging to them by law and custom, *against all men, of what pre-eminence, dignity, or state soever*, notwithstanding any perils or mandates or processes whatsoever.' The Archbishop goes on to show, that the same policy was acted upon by the Kings of *Spain* and *Portugal*, and the *Venetian* Republic; all of them maintaing the rights and liberties of their respective States, with as much opposition to the Pope as to any other invader. He states, in respect to England, that during the period when the Pope's authority was acknowledged, his decrees never had the force of laws there, until they were previously confirmed by the King. That the Kings of England suffered no appeals to Rome out of their kingdoms; and no Roman legates to enter into their dominions without their license; and often declared the Pope's bulls to be void. And the Archbishop having thus run through the different countries of Europe, concludes, 'We have said enough to show, that all Christian nations do challenge the right to themselves, to be the last judges of their own liberties and privileges.'*

If any thing more were wanting to prove the case we have endeavoured to establish, the following words of Grotius, in his 'Judgment of Religion,'† would supply it. He says, 'The authority of the Roman bishop would not have seemed so formidable to Dr. Hall, that he should therefore cast off all hope of reconciliation, had he known *how ready the remedies are, in France and Spain to restrain the Pope* from invading the rights either of the kings or bishops.'

But, notwithstanding this accumulated proof of the non-existence of the temporal power of the Pope, such is the perseverance of the opponents of the Catholics, that pamphlets, speeches, petitions, charges and sermons, are still filled with references to Gratian's Decrees, the Canon Law, the First Council of Lyons, and the Third Canon of the great Council of Lateran, for the purpose of showing, that the pretention to the exercise of this power does actually *now exist* as an article of Roman Catholic faith; and therefore it is necessary to take some notice of these documents.

With respect to the argument that is founded on Gratian's Decrees, it cannot stand for a moment, because these decrees being the work of an individual, can claim nothing of the nature of an article of faith.‡ And with respect to the arguments that are founded on the Canon law, to show that the deposing doctrine is an article of faith, it is to be observed, that Bellarmine himself acknowledges several errors in the body of that law;§ and other great assertors of its authority admit, that the circumstance of any particular position being found in it, does not necessarily make that position a doctrine of faith.‖ As to the deposition of the Emperor Frederick II. by Innocent IV. in the first Council of Lyons, Catholics do not believe themselves, to be required, by any thing that passed in that Council, to approve of this doctrine; for, they contend, that the act of deposition was only a *judicial sentence* in a particular case, involving many matters of fact with respect to one particular person; and, as it is not the doctrine of their church to hold even a general council to be infallible *in its judicial sentences*, so they are nowise obliged to approve of such a sentence, much less to take it for a canon or rule of faith; and consequently, that all Catholics are just as much at liberty to disapprove of what was then done in the Council of Lyons, as those who do not belong to their communion. In support of the correctness of these statements, the conduct of the Gallican Church is referred to, which utterly exploded the whole volume of the Canon law called *Sextus Decretalium*. And with respect to the third Canon of Lateran, Catholics do not hold themselves obliged to believe in the deposing doctrine upon any thing that is there declared: *First*, because this canon is generally considered to be spurious. Dr. Murray says, 'The third canon of the Fourth Council of Lateran *has no authority whatever in any part of Christendom*; it never had any authority in those countries; and it was made for a particular purpose, which has long since ceased. It is exceedingly doubtful whether or not that canon was ever enacted in the Council of Lateran,—for no ancient manuscript records it; but, allowing it to have been enacted, it was done by *the civil authorities* of Christendom, who were there assembled.'* The same opinions are avowed by Protestant writers; for instance, by Roffensis, in his work on the Power of the Pope,† by Collier in his Ecclesiastical History, and by Archbishop Bramhall, in his Schism Guarded: *Secondly*, because there is not a word in this canon against any prince or king or any *supreme* lord whatever, but only against feudatories; *Thirdly*, because the Pope, when he did depose feudatories, acted upon the authority of the supreme temporal lords of the fee, who were present by their ambassadors, and consenting to it; And *lastly*, because it is only a canon of discipline, in which faith is not concerned; and which, therefore, no Catholic nation is obliged to receive.

* Just. Vindic. of Ch. of Eng. Disc. 3. c. 8.
† Lond. 1653.
‡ Veron's Rules of Faith, C. 2.
§ De Rom. Pont. b. 4 c. 12.
‖ Canus, Loc. Theol. b. 5. c. 5. in Resp. ad ult. & b. 6.

Drs Murray, Doyle, and Kelly were examined by the Education Commissioners in April last. The following extract from the questions put to Dr. Doyle, and the answers made by him, of which the other prelates who were present expressed their entire approbation, are deserving of particular attention:—

Dr. Doyle's Evidence.—'If any Council had ever, as some Protestants erroneously suppose they have, enjoined the not keeping of faith with heretics, would it be a matter of faith, or a matter of discipline?—It would not be a matter of faith, or a matter of discipline; *it would be* A GROSS VIOLATION OF RIGHT AND JUSTICE, *and of the law of nature, which no Council could enjoin*; because it would be overturning the very law of God which is anterior to all Councils.

'Do you conceive it was ever the principle of the Roman Catholic Church, that faith might be broken with heretics, because they were heretics?---CERTAINLY NOT.

'Do you conceive it was ever the principle of the Catholic Church, that the Pope might, *jure divino*, absolve subjects from their allegiance?---CERTAINLY NOT.

'Do you conceive that those principles, the deposing power, breach of faith with heretics, and the doctrine that it is right to injure men because they differ from you in religion, are principles now universally condemned by the Roman Catholic Church?---*Universally condemned by the Roman Catholic Church!* and *we feel humiliated when they are imputed to us by any one*; for no person of knowledge could impute them to us.

'Should not you consider that man acted sinfully who broke his faith with a protestant?---Just as much as if he broke it with myself.

'Should you not conceive it to be his duty to resist any potentate who came to invade his country, though he came with a bull of the Pope, assigning the kingdom to that potentate?—I should feel myself *equally obliged to oppose* the person bringing such a bull *as if he came without it*,---and I should feel *bound* to oppose him with all my might.

'Do you not conceive the person not doing so would be doing wrong?---Unquestionably, that he would be guilty of a great violation of his duty to the State.' (pp. 794–797.)

III. Having thus considered the questions with respect to the supposed infallibility of the Pope and his temporal powers in other countries, we shall now shortly discuss the question with respect to the *degree in which the Catholic Church of Ireland, and those who belong to it, are subject to the power of the Pope.*

The variety of limitations and restraints under which we have seen that the Catholic religion has existed, and still exists, in the different states of Europe, makes it very desirable to know under what precise conditions it exists and is administered in Ireland; For, as the object of all our labour is to ascertain whether or not the professing of this religion in Ireland is a just ground for disqualifying Irish Catholics for the enjoyment of political rights, we ought to be very exactly informed of the laws and regulations under which this religion is received and exercised in that country.

We have seen, that the powers of the Pope, and the discipline of the Catholic religion, differ in the various countries of Europe, according to the usages of each country respectively; and therefore it is evident how very unjust it is to urge against the claims of the Catholics of *Ireland* that *Spain* has restored the Inquisition and the Order of the Jesuits; that in Spain the Pope annually issues a Bull, called the Crusade, granting pardon of all sins except the sin of heresy;‡ that the Pope has, within a few years, prohibited the reading of certain books *in his own dominions*: § that a few *Belgian* bishops have declared, that giving to all religions equal favour and protection, filled their hearts with consternation;‖ and that the late Pope Pius VII., some years ago, expressed a similar distaste to the new system of religious liberty in France. This things, it is plain, affect only Spain, Italy, the Netherlands, or France, and have no influence or operation in Ireland; and until evidence can be produced to show that the Irish bishops have introduced similar usages into Ireland, or have pronounced similar opinions, these matters have about as much relation to the Irish Catholics, or to the Catholic religion in Ireland, as a tariff of the Emperor of Russia has to the customs or duties to be paid in the port of London.

In regard to the origin of the Catholic religion in Ireland, there is no reason to doubt that a regular and independent Episcopal Church has subsisted in Ireland from about the fifth century.¶ It was in the twelfth century, about thirty years before the invasion of Henry II., that, by the influence of Bernard, Abbot of Clairval, the Irish bishops consented to enter into communion with the Church of Rome. But the only material change which took place in consequence of this event, as to Church discipline, was, that the nomination to sees and abbacies was transferred to the Pope.+ But, notwithstanding this concession, the bishops reserved their rights and independence,—and they have taken care to secure them down to the present time.

* Evidence, p. 658. This Council was held chiefly for the purpose of concerting measures for the suppression of the heresy of the Albigenses. There were present at the Council, either in person or by their ambassadors, the two Emperors of the East and of the West, the Kings of England, France, Hungary, Arragon, Sicily, Jerusalem, Cyprus, with a great number of inferior potentates. In a note to his evidence before the Commissioners of Education, Dr. Murray says in reference to this canon, that, 'If genuine, we must remember that it does not regard mere speculative opinions, but practices of a nature so horrid, that society it was thought should, for its own preservation, endeavour to put them down: Finally, it is a decree of which, even if genuine, *every Catholic is quite at liberty to disapprove*; whereas it is not a defination of the Church proposing to the faithful a doctrine to be by them acknowledged and believed as an article of faith.' (Appendix to First Report, p. 796.)
† B. I. c. 6.
‡ Blanco White, p. 40.
§ Sir W. Inglis's Speech on the Catholic Bill, 1825.
‖ Mr Phelan's Evidence, p. 527.

With respect to the discipline of the National Catholic Church of Ireland, we learn, from the evidence of Dr. Doyle, that 'every bishop has a complete title to his office, when once appointed to it; that his rights are defined, from the Gospel, and from the Canon law, as well as the rights of the Pope himself;' and that 'he cannot be obliged to do any thing by the mere good will and pleasure of the Pope.'‡ A Catholic bishop, in point of fact, is, to all intents and purposes, as independent of the Pope in the administration of his ecclesiastical duties and powers in Ireland, as a judge in England is of the King of England in the administration of the laws; for no bishop can be removed from his see without a regular trial, and no bishop can be put on his trial except for the breach of some known and recognised law. § Dr Doyle says,' By the canons of the church, I, being once inducted into a bishopric, cannot be removed from that bishopric, unless I commit a canonical fault, am tried for it, and sentence passed upon me. I have *a right* from which I cannot be removed, more than the Pope can be removed from his see.' ‖ It is true that no trial can be definitively settled without the concurrence of the Pope, because the trial of a bishop is one of the *causæ majores* mentioned in the Council of Sardis; but, as the evidence on a trial is taken in Ireland by a commission of Irish clergy, ¶ a bishop is thus amply protected from any arbitrary and false accusation that the Pope might set up against him.

The extent to which Irish bishops are bound to obey the Pope, is clearly defined. They promise obedience to him, by adopting the creed of Pius IV., and by the oath which they take at their consecration. The words of the creed are ---'I promise and swear true obedience to the Roman bishop, the successor of St. Peter.' Mr. Mortimer O'Sullivan, in his evidence on this creed, says, 'it appears to me the natural interpretation of the words, that by true obedience, temporal obedience is intended.' * When, however, Dr. Doyle was asked what is the proper meaning of the words, he gave a very different interpretation of them. The following is his answer.

'Of course, that we would obey him *in those things to which his authority extends*; namely, *spiritual matters, or the execution of decrees regularly defined by general councils and accepted of by us*; for they are not all the decrees of even general councils which are received in each kingdom; for instance, the decrees of the council of Trent, regarding discipline, are not received in the kingdom of France: the decree of the council of Trent, regarding a particular discipline, is not received in the province of Dublin in Leinster, though it is received in the other parts of Ireland. All the decrees then, even those of general councils, much less all the decrees of the Pope, cannot have force unless they are received formally by the nation which they regard, or whose discipline is affected by them; each church has its rights; and those rights cannot be subverted or affected by any proceedings on the part of the Pope, without the concurrence of the hierarchy of such church.' (p. 192.)

The following is Dr Murray's evidence respecting obedience to the Pope.

'Do the Catholic clergy admit that all the bulls of the Pope are entitled to obedience? They are entitled to a certain degree of reverence. If not contrary to our usages, or contrary to the law of God, of course they are entitled to obedience as coming from a superior. We owe obedience to a parent, we owe obedience to the King, we owe it to the law; but if a parent, the King, or the law were to order us to do any thing that is wrong, we would deem it our duty to say, as the apostles did on another occasion, "we ought to obey God rather than man." Are there circumstances under which the Catholic clergy would *not* obey a bull of the Pope? *Most certainly*, What is the true meaning of the following words in the creed of Pius IV.—"I promise and swear true obedience to the Roman Bishop, the successor of St. Peter?" *Canonical obedience*, in the manner I have just described, *within the sphere of his own authority.*' (p. 224.)

So much stress has been laid by the opponents of the Catholics upon the obedience which the Irish Bishops undertake to yield to the Pope by their consecration oath, and, at the same time, so much ignorance is displayed of the very terms of that oath, that it is requisite to state every thing concerning it in the fullest manner.† Even Dr. Magee, it appears, was ignorant of its terms till he was examined before the House of Lords. He says, 'There for the *first time* I learned that *an alteration* has taken place in that oath, as it regarded Ireland---that one sentence was omitted and another concluding sentence annexed.'

(To be continued.)

* Milner, v. ii. p. 487.
+ Mr Phelan's Evidence, p. 502.
‡ Dr Doyle's Evidence, p. 209. Dr Murray's evidence, p. 224.
§ Dr. Murray's Evidence, p. 658.
‖ Lo'rds' Evidence, p. 225.
¶ Dr. Doyle's Evidence, pp. 179. 1[illegible]
* Evidence, p. 472.
† The oath is given at length in Dr. Murray' Evidence, p. 655.

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